

Wednesday
May 28, 1986

Federal Register

Briefings on How To Use the Federal Register—

For information on briefings in Seattle, WA, and San Francisco, CA, see announcement on the inside cover of this issue.

Selected Subjects

Air Pollution Control

Environmental Protection Agency

Customs Duties and Inspection

Customs Service

Fisheries

National Oceanic and Atmospheric Administration

Flood Insurance

Federal Emergency Management Agency

Food Additives

Food and Drug Administration

Government Procurement

Defense Department

Grant Programs—Education

Education Department

Hazardous Waste

Environmental Protection Agency

Health Professions

Public Health Service

Medicaid

Health Care Financing Administration

Natural Gas

Federal Energy Regulatory Commission

Nuclear Energy

Energy Department

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

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How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

Selected Subjects

Pesticides and Pests

Environmental Protection Agency

Quarantine

Animal and Plant Health Inspection Service

Relocation Assistance

Navajo and Hopi Indian Relocation Commission

Reporting and Recordkeeping Requirements

Labor Department

Telephone

Rural Electrification Administration

Tobacco

Agricultural Marketing Service

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

SEATTLE, WA

WHEN: July 22; at 1:30 pm.

WHERE: North Auditorium,
Fourth Floor, Federal Building,
915 2nd Avenue, Seattle, WA.

RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Seattle	206-442-0570
Tacoma	206-383-5230
Portland	503-221-2222

SAN FRANCISCO, CA

WHEN: July 24; at 1:30 pm.

WHERE: Room 2007, Federal Building,
450 Golden Gate Avenue,
San Francisco, CA.

RESERVATIONS: Call the San Francisco Federal Information Center, 415-556-6600

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Title 3—

Proclamation 5490 of May 22, 1986

The President

Prayer for Peace Memorial Day, 1986

By the President of the United States of America

A Proclamation

Memorial Day is an occasion of special importance to all Americans, because it is a day sacred to the memory of all those Americans who made the supreme sacrifice for the liberties we enjoy. We will never forget or fail to honor these heroes to whom we owe so much. We honor them best when we resolve to cherish and defend the liberties for which they gave their lives. Let us resolve to do all in our power to assure the survival and the success of liberty so that our children and their children for generations to come can live in an America in which freedom's light continues to shine.

The Congress, in establishing Memorial Day, called for it to be a day of tribute to America's fallen, and also a day of national prayer for lasting peace. This Nation has always sought true peace. We seek it still. Our goal is peace in which the highest aspirations of our people, and people everywhere, are secure: peace with freedom, with justice, and with opportunity for human development. This is the permanent peace for which we pray, not only for ourselves but for all generations.

The defense of peace, like the defense of liberty, requires more than lip service. It requires vigilance, military strength, and the willingness to take risks and to make sacrifices. The surest guarantor of both peace and liberty is our unflinching resolve to defend that which has been purchased for us by our fallen heroes.

On Memorial Day, let us pray for peace—not only for ourselves, but for all those who seek freedom and justice.

In recognition of those brave Americans to whom we pay tribute today, the Congress, by joint resolution approved May 11, 1950 (64 Stat. 158), has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Memorial Day, Monday, May 26, 1986, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 o'clock in the morning of that day as a time to unite in prayer. I urge the press, radio, television, and all other information media to cooperate in this observance.

I also direct all appropriate Federal officials, and request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff during this Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control, and I request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

[FR Doc. 86-12019

Filed 5-23-86; 2:56 pm]

Billing code 3195-01-M

Presidential Documents

Proclamation 5491 of May 22, 1986

National Birds of Prey Month, 1986

By the President of the United States of America

A Proclamation

The skies of our United States are host to hundreds of species of birds, but among the most awe-inspiring and magnificent are the more than fifty species known collectively as the birds of prey. These include the hawks, the owls, and our national symbol, the bald eagle.

These birds are not only some of the most graceful and impressive flyers, they play a vital role in the ecological balance by maintaining predator-prey relationships so essential to the stability of the natural world.

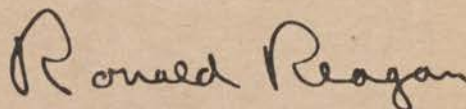
While nearly all Americans today recognize the beauty and value of these great birds, this recognition was long in coming. As we settled the land and developed our Nation, we were slow to heed what loss of habitat and indiscriminate shooting could do to this priceless resource. Fortunately, however, our knowledge and appreciation of these splendid creatures has deepened, as have our efforts to protect them. We now see the bald eagle nesting populations increasing each year. Once again, the peregrine falcon is a fairly common sight for bird-watchers along our coasts and even in several of our major cities. Motorists along our interstate highways can enjoy the frequent sighting of redtailed hawks resting in trees along the rights of way. Indeed, bird-watching for birds of prey is becoming an economic plus to many local economies.

Thanks to increased public interest and effective conservation law enforcement, illegal shooting of these great birds is on the decline. More and more, our citizens grow to understand the importance of these creatures to the American landscape and to treasure the spirit of strength, freedom, and boldness they represent.

To celebrate the continuing restoration of this magnificent resource, and to remind our citizens of the abiding need for wildlife conservation, the Congress, by Senate Joint Resolution 288, has designated the month of May 1986 as "National Birds of Prey Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of May 1986 as National Birds of Prey Month. I encourage all Americans to observe this month by participating in appropriate events and activities sponsored by government agencies, individuals, and private associations and organizations throughout the country to promote the appreciation and conservation of America's birds of prey.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.



Presidential Documents

Proclamation 5492 of May 23, 1986

National Food Bank Week, 1986

By the President of the United States of America

A Proclamation

In communities all across the United States, food banks have been established to help provide wholesome food for people in need.

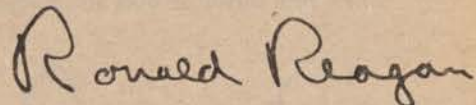
These unique institutions are in the best tradition of American voluntarism. They have brought together public agencies, private industry, church groups, various associations, and individual Americans in a concerted drive to meet a basic human need. America's food banks provide immediate, temporary assistance at a neighborhood level to individuals and families who often do not know anywhere else to turn.

Private donors of food have greatly assisted in the maintenance and expansion of these worthwhile programs. Schools and neighborhood groups have contributed thousands of hours of manpower by helping collect and distribute the vast quantity of foodstuffs that food banks handle each year. The food banks themselves are staffed by dedicated citizens who seek nothing for themselves but the satisfaction of knowing that they have served as an invaluable resource to their fellowman. Without the humanitarian and charitable concern of all those involved in this mission, the sense of community and brotherly love that is indispensable to the quality of life in our cities and towns would be undermined.

In recognition of the many contributions of food banks and the selfless Americans who help organize and operate them, the Congress, by House Joint Resolution 234, has designated the week beginning May 18 through May 24, 1986, as "National Food Bank Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning May 18 through May 24, 1986, as National Food Bank Week. I call upon all Americans to join in recognizing the accomplishments of these food banks.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.



Proclamation of the President

Proclamation No. 1000

Proclamation No. 1001

Proclamation No. 1002

Proclamation No. 1003

Proclamation No. 1004

Proclamation No. 1005

Proclamation No. 1006

Proclamation No. 1007

Proclamation No. 1008

Proclamation No. 1009

Proclamation No. 1010

Presidential Documents

Proclamation 5493 of May 23, 1986

Hands Across America Day, 1986

By the President of the United States of America

A Proclamation

Time and again in American history the people of this great Nation have joined together in demonstrations of concern for the plight of their fellowman. Throughout the world, the people of the United States are known for their tradition of generosity and voluntary service to others. The strength of this tradition, which has been revitalized in the 1980s, lies in a key insight: The well-being of each and every individual in our society is a matter not only of public interest, but of personal responsibility as well. No form of charitable endeavor can truly succeed if it is not grounded in the recognition that the benefits it confers are as important to the giver as they are to the recipient.

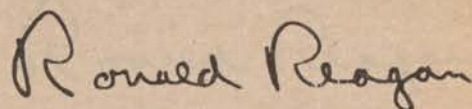
On May 25, 1986, millions of Americans will participate in "Hands Across America," a visible symbol of the determination that unites Americans in the fight against hunger and homelessness. By joining together in this way, in cities and towns, along the back roads and mountain highways, from sea to shining sea, the people of this blessed land are reaffirming their willingness to sacrifice so that adequate food and shelter are available to all. This occasion represents an opportunity for all Americans to reflect on the root causes of these persistent problems, and to rededicate ourselves to finding lasting solutions that will allow everyone to live, eat, and work in circumstances befitting their dignity as human beings.

On this day, then, let us join not only our hands but our hearts and our prayers in efforts to ensure that America's God-given abundance is shared with those in need.

The Congress, by Senate Joint Resolution 246, has designated May 25, 1986, as "Hands Across America Day" and has authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim May 25, 1986, as Hands Across America Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of May, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.



Presidential Documents

Memorandum of May 23, 1986

Western Red Cedar Shakes and Shingles Import Relief Determination

Memorandum for the United States Trade Representative

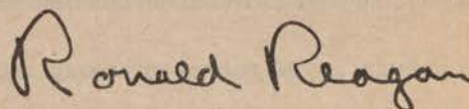
Pursuant to Section 202(b)(1) of the Trade Act of 1974 (19 U.S.C. 2251(b)(1)), I have determined the action I will take with respect to the report of the United States International Trade Commission (ITC), transmitted to me on March 25, 1986, concerning the results of its investigation of a petition for import relief filed by the Northwest Independent Forest Manufacturers on behalf of the domestic industry producing wood shakes and shingles, provided for in item 200.85 of the Tariff Schedules of the United States.

After considering all relevant aspects of the case, including those set forth in Section 202(c) of the Trade Act of 1974, I have determined that provision of import relief in the form of a tariff for up to 5 years is in the national economic interest. The tariff will apply to all U.S. imports of western red cedar shakes and shingles. The additional duty will be 35 percent ad valorem for the first 30 months of the period, 20 percent ad valorem for months 30 through 54, and 8 percent ad valorem for months 54 through 60. This 5-year relief program should be sufficient to enable the domestic producers of red cedar shakes and shingles to adjust to competition during the relief period.

In conjunction with providing import relief, I hereby direct you to request that the ITC advise me of the probable economic effect on the domestic industry of the termination of import relief after 30 months. This advice is to include a review of the progress and specific efforts being made by the domestic producers of western red cedar shakes and shingles to adjust to import competition. I also direct you to request, on my behalf, advice regarding termination of relief from the Secretaries of Commerce and Labor. The ITC, Commerce, and Labor advice is to be provided to me, through you, 3 months prior to the expiration of the 30-month period. It is my intention to continue relief for the entire 5-year period if general market conditions continue to warrant relief and if the domestic producers have begun to make reasonable progress toward adjustment during the first 30-month period.

As required by Section 203(e)(1) of the Trade Act of 1974, this tariff will be implemented by Presidential Proclamation no later than June 7, 1986, which is the 15th day after the date of this determination.

This determination shall be published in the Federal Register.



THE WHITE HOUSE,
Washington, May 23, 1986.

Exhibits

Memorandum of May 22, 1942

Winston and Louis Brown and Benjamin Brown
Washington

Memorandum for the United States Trade Representative

Reference is made to the letter of May 15, 1942, from the
United States Trade Representative to the British Trade
Representative, and to the letter of May 15, 1942, from the
British Trade Representative to the United States Trade
Representative, both of which are being submitted for
your information.

The letter of May 15, 1942, from the British Trade
Representative to the United States Trade Representative
contains a statement of the British position with regard
to the proposed American trade mission to the United
Kingdom, and a statement of the British position with
regard to the proposed American trade mission to the
United Kingdom, and a statement of the British position
with regard to the proposed American trade mission to the
United Kingdom.

The letter of May 15, 1942, from the United States
Trade Representative to the British Trade Representative
contains a statement of the United States position with
regard to the proposed American trade mission to the
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United States position with regard to the proposed
American trade mission to the United Kingdom.

Winston Brown

THE WHITE HOUSE
WASHINGTON, D. C.

Presidential Documents

Executive Order 12560 of May 24, 1986

Administration of Foreign Relations and Related Functions

By the authority vested in me as President by the Constitution and the statutes of the United States of America, including section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and section 301 of title 3 of the United States Code, and in order to delegate certain functions concerning foreign assistance to the Secretary of State, the Secretary of Defense, and the Director of the International Development Cooperation Agency, it is hereby ordered as follows:

Section 1. Section 1-102(a) of Executive Order No. 12163, as amended, is further amended by deleting paragraph "(6)" and adding the following new paragraphs at the end thereof:

"(6) section 903(b) of the International Security and Development Cooperation Act of 1985 (hereinafter referred to as "ISDCA of 1985");

"(7) section 709 of the ISDCA of 1985, which authority shall be exercised in consultation with the Secretary of State and the Secretary of Defense;

"(8) sections 1205(b) and 1210 of the ISDCA of 1985;"

"(9) section 541 of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), to be exercised by the Administrator of the Agency for International Development within IDCA;" and

"(10) the first proviso under the heading "Population, Development Assistance" contained in Title II of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190), to be exercised by the Administrator of the Agency for International Development within IDCA."

Sec. 2. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by deleting paragraphs "(7)", "(22)", "(23)", "(25)", "(26)", and "(27)", renumbering the remaining paragraphs accordingly, and inserting the following new paragraphs at the end thereof:

"(23) sections 462, 464(d)(2), 620E(e), and 660(d) of the Act;

"(24) section 129(b) of the ISDCA of 1985, which shall be exercised in consultation with the Secretary of Defense and the Director of the Arms Control and Disarmament Agency;

"(25) sections 207, 552(b), 611, 612(a), 617(c), 702(c), 703(a), 705 (b) and (c), 706, 722(j), 813(b) and 1008 of the ISDCA of 1985;"

Sec. 3. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by deleting "481, and 502B," from paragraph (1) and inserting "section 305" in lieu thereof, and inserting the following new paragraphs at the end thereof:

"(26) chapter 8 of part I of the Act, except for section 481(h), which is reserved to the President";

"(27) section 502B of the Act;" and

"(28) sections 527, 528, 537, 543 and 547 of the Foreign Assistance and Related Programs Appropriations Act, 1986 (as enacted in Public Law 99-190)."

Sec. 4. Section 1-201(a)(3) of Executive Order No. 12163, as amended, is further amended to read as follows:

"(3) section 505(a) relating to other provisions which may be required by the President, and sections 505 (d), (e), (f) and (g) of the Act."

Sec. 5. Section 1-201(a)(22) of Executive Order No. 12163, as redesignated by this Order, is further amended by inserting immediately after "(Public Law 98-525)" the phrase "as amended by section 306 of the Department of Defense Authorization Act, 1986 (Public Law 99-145)."

Sec. 6. Section 1-201(a)(15) of Executive Order No. 12163, as amended, as redesignated by this Order, is further amended by deleting "(other than chapter 4 thereof)".

Sec. 7. Section 1-301 of Executive Order No. 12163, as amended, is further amended by adding the following paragraph at the end thereof:

"(e) Those functions conferred upon the President under section 616 of the ISDCA of 1985."

Sec. 8. Section 1-301(c) of Executive Order No. 12163, as amended, is further amended to read as follows:

"(c) Those functions under section 634A of the Act, to the extent they relate to notifications to the Congress concerning changes in programs under part II of the Act (except chapters 4, 6, and 8 thereof) and under the Arms Export Control Act, as amended, subject to prior consultation with the Secretary of State."

Sec. 9. Section 1-701(d) of Executive Order No. 12163, as amended, is further amended by inserting "465(b)" immediately after "303," and by inserting "552(c), 552(e)," immediately after "506(a)."

Sec. 10. Section 1-701(g) of Executive Order No. 12163, as amended, is amended to read as follows:

"(g) Those under sections 130, 131, 504 and 505 of the ISDCA of 1985 and under section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986."

Sec. 11. Section 1(d) of Executive Order No. 11958, as amended, is further amended to read as follows:

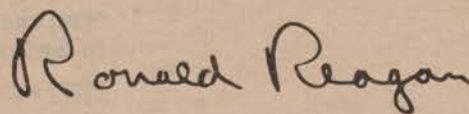
"(d) Those under Sections 22(a), 29, 30 and 30A of the Act to the Secretary of Defense."

Sec. 12. Section 1(e) of Executive Order No. 11958, as amended, is further amended to read as follows:

"(e) Those under Section 23 of the Act to the Secretary of Defense, to be exercised in consultation with the Secretary of State and the Secretary of the Treasury, except that the President shall determine any rate of interest to be charged which is less than the market rate of interest."

Sec. 13. Section 1(f) of Executive Order No. 11958, as amended, is further amended to read as follows:

"(f) Those under Sections 24, 27, and 28 of the Act to the Secretary of Defense. The Secretary of Defense, in implementing the functions delegated to him under Sections 24 and 27, shall consult with the Secretary of State and the Secretary of the Treasury."



THE WHITE HOUSE,
May 24, 1986.

Rules and Regulations

Federal Register

Vol. 51, No. 102

Wednesday, May 28, 1986

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Ch. XIV

New York Regional Office; Address Change

AGENCY: Federal Labor Relations Authority (including the General Counsel of the Federal Labor Relations Authority) and Federal Service Impasses Panel.

ACTION: Amendment of rules and regulations.

SUMMARY: This document amends Appendix A, paragraph (d)(2) (49 FR 30055) of the rules and regulations of the Federal Labor Relations Authority (Authority), General Counsel of the Federal Labor Relations Authority (General Counsel), and Federal Service Impasses Panel (Panel), published at 5 CFR Part 2400 *et seq.*, (1985) to establish a new room number and mailing address for the Authority's New York, New York Regional Office. The New York Regional Office street location and telephone numbers have not been changed.

EFFECTIVE DATE: May 19, 1986.

FOR FURTHER INFORMATION CONTACT: David L. Feder, Assistant General Counsel (202) 382-0834.

SUPPLEMENTARY INFORMATION: Effective January 28, 1980, the Authority, General Counsel and Panel published at 45 FR 3482, January 17, 1980, final rules and regulations to govern the processing of cases by the Authority, General Counsel and Panel under Chapter 71 of Title 5 of the United States Code (5 CFR Part 2400 *et seq.* (1985)). These rules and regulations are required by Title VII of the Civil Service Reform Act of 1978 and are set forth in 5 CFR Part 2400 *et seq.* (1985). Appendix A, paragraph (d) of the foregoing rules and regulations sets forth office addresses and telephone numbers

of the Regional Directors of the Authority. This amendment sets forth the new room number and mailing address of the New York, New York Regional Office of the Authority. The New York Regional Office street location and telephone numbers have not been changed. Accordingly, in Appendix A to Chapter XIV, paragraph (d)(2) of the Authority, General Counsel, and Panel rules and regulations (5 CFR Part 2400 *et seq.* (1985)) is revised to read as follows:

Appendix A to 5 CFR Ch. XIV— Current Addresses and Geographic Jurisdictions

* * * * *

(d) The Office addresses of Regional Directors of the Authority are as follows:

* * * * *

(2) *New York, New York*—
26 Federal Plaza, Room 3700, New York, New York 10278. Telephone: FTS—264-4934
Commercial—(212) 264-4934

* * * * *

(5 U.S.C. 7134)

Dated May 20, 1986.

John C. Miller,

General Counsel, Federal Labor Relations Authority.

[FR Doc. 86-11853 Filed 5-27-86; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 77

[Docket No. 86-050]

Tuberculosis in Cattle; State Designations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of tuberculosis by raising the designation of Wisconsin from a modified accredited area to an accredited-free State. It has been determined that Wisconsin meets the criteria for designation as an accredited-free State.

The regulations do not impose restrictions on the interstate movement of cattle not known to be affected with or exposed to tuberculosis from either accredited-free States of modified

accredited areas. However, the designation for any given jurisdiction can affect the marketability of cattle from that jurisdiction, since some prospective cattle buyers prefer to buy cattle from accredited-free States.

DATES: Effective date of the interim rule is May 28, 1986. Written comments must be received on or before July 28, 1986.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket Number 86-050. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph L. Hosker, Cattle Diseases Staff, VS, APHIS, USDA, Room 818, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-438-8715.

SUPPLEMENTARY INFORMATION:

Background

The "Tuberculosis in Cattle" regulations (contained in 9 CFR Part 77 and referred to below as the regulations) regulate the interstate movement of cattle because of tuberculosis. The requirements of the regulations concerning the interstate movement of cattle not known to be affected with or exposed to tuberculosis are based on whether the cattle are moved from jurisdictions designated as accredited-free States, modified accredited areas, or nonmodified accredited areas. The criteria for determining the status of States (the term State is defined to mean any State, territory, the District of Columbia, or Puerto Rico) or portions of States is contained in the document captioned "Uniform Methods and Rules—Bovine Tuberculosis Eradication," which has been made part of the regulations by incorporation by reference. Generally the status of States or portions of States is determined based on the rate of tuberculosis infection present and the effectiveness of a tuberculosis control and eradication program.

Sections 77.7 and 77.8 of the regulations provide the following with respect to the interstate movement of

cattle not known to the affected with or exposed to tuberculosis:

Section 77.7 Movement from accredited-free States and modified accredited areas.

Cattle not known to be affected with or exposed to tuberculosis, originating in an accredited-free State or a modified accredited area, may be moved interstate without restriction.

Section 77.8 Movement from nonmodified accredited areas.

Cattle not known to be affected with or exposed to tuberculosis, originating in a nonmodified accredited area, shall only be moved interstate if:

(a) Such cattle are accompanied by a certificate stating that such cattle have been classified negative to an official tuberculin test, which was conducted within 30 days prior to the date of movement. All cattle not individually identified by a registration name and number shall be individually identified by a Veterinary Services approved metal eartag or tattoo; or

(b) Such cattle are from an accredited herd and they are accompanied by a certificate showing the cattle to be from such a herd; or

(c) Such cattle are moved interstate directly to slaughter to an establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

Prior to the effective date of this document, Wisconsin, among other States, was designated under § 77.5 of the regulations as a modified accredited area. The Deputy Administrator has determined that Wisconsin meets the criteria for designation as an accredited-free State. Therefore, this document amends the regulations by adding Wisconsin to the list of accredited-free States in § 77.4.

As noted above, the regulations do not impose restrictions on the interstate movement of cattle not known to be affected with or exposed to tuberculosis from accredited-free States or modified accredited areas. However, the designation for any given jurisdiction can affect the marketability of cattle from that jurisdiction, since some prospective cattle buyers often prefer to buy cattle from accredited-free States.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will

not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the State of Wisconsin will not cause a significant effect on marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR 3015, Subpart V).

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. It is necessary to change the regulations immediately so that they accurately reflect the current tuberculosis status of Wisconsin and thereby provide prospective cattle buyers with accurate and up-to-date information which may affect the marketability of cattle.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the *Federal Register*. Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the *Federal Register*.

List of Subjects in 9 CFR Part 77

Animal diseases, Cattle, Transportation, Tuberculosis.

PART 77—TUBERCULOSIS IN CATTLE

Accordingly, 9 CFR Part 77 is amended as follows:

1. The authority citation for Part 77 continues to read as set forth below:

Authority: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 77.4 [Amended]

2. In paragraph (b) of § 77.4, "Wisconsin," is added immediately before "Wyoming".

Done at Washington, DC, this 19th day of May 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-11859 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 78

[Docket No. 86-041]

Brucellosis in Cattle; State and Area Classifications

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the regulations governing the interstate movement of cattle because of brucellosis. Prior to the effective date of this document, the entire State of Arizona was designated as Class A. This document amends the regulations to designate those portions of Mohave and Coconino Counties north of the Grand Canyon (also known as the "Arizona Strip") in Arizona, as Class Free. This rule is necessary because it has been determined that the Area consisting of these portions of Mohave and Coconino Counties meets the standards for Class Free Status. The effect of this action is to relieve certain restrictions on the interstate movement of cattle from the Area in Arizona redesignated as Class Free.

DATES: Effective date of the interim rule is May 28, 1986. Written comments must be received on or before July 28, 1986.

ADDRESSES: Written comments should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Comments should state that they are in response to Docket No. 86-041. Written comments may be inspected at Room

728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Hugh Metcalf, Program Planning Staff, VS, APHIS, USDA, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

The brucellosis regulations (contained in 9 CFR Part 78 and referred to below as the regulations) provide a system for classifying States or portions of States according to the rate of brucella infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or Areas which do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the period of 12 months preceding classification as Class Free. The Class C classification is for States or Areas with the highest rate of brucellosis, with Classes A and B in between.

Restrictions on the movement of cattle are more stringent for movements from Class A States or Areas compared to movements from Free States or Areas, and are more stringent for movements from Class B States or Areas compared to movements from Class A States or Areas, and so on. The restrictions include testing for movement of certain cattle from other than Class Free States or Areas.

The basic standards for the different classifications of States or Areas concern maintenance of: (1) A State or Area-wide accumulated 12 consecutive month herd infection rate not to exceed a stated level; (2) a Market Cattle Identification (MCI) reactor prevalence rate not to exceed a stated rate (this concerns the testing of cattle at auction markets, stockyards, and slaughtering establishments); (3) a surveillance system which includes a testing program for dairy herds and for cattle at slaughtering establishments, and provisions for identifying and monitoring herds at high risk of infection, including herds adjacent to infected herds and herds from which infected animals have been sold or received under approved action plans; and (4) minimum procedural standards for administering the program.

Prior to the effective date of this document, the entire State of Arizona was classified as Class A. Pursuant to a request from State officials of Arizona, this document divides the State into two brucellosis classification areas, a Class Free Area consisting of those portions of Mohave and Coconino Counties north of the Grand Canyon, and a Class A Area consisting of the rest of the State.

In a document published in the *Federal Register* on December 13, 1982 (47 FR 55636-55656), the Department set forth a basis for dividing States into two brucellosis classification areas. In this connection, the document at 47 FR 55638-55639 provided that:

Some large States have distinctly different rates of infections in different parts of the State. Two classification areas would enable animals moving between such areas to be controlled, and thereby keep brucellosis from spreading from the areas of high infection rate to areas of low infection.

The individual States will have to control such intrastate movements as the Department does not have such authority. This State control will be provided for in cooperative agreements between each State and the Department. If a State with 2 Areas within its boundaries failed to control movements between those areas the higher classified area would be reclassified to be the same as the lower area.

The division of Arizona into two classification Areas, as explained above, is in compliance with this criteria.

Further, to attain and maintain Class Free status, a State or Area must, among other things, remain free from brucellosis in cattle for the preceding 12-month period and the adjusted MCI reactor prevalence rate for such 12-month period must not exceed one reactor per 2,000 cattle tested (0.050 percent). A review of brucellosis program records establishes that this Area in Arizona meets the criteria for classification as Class Free.

Therefore, this document changes the classification of the Area in Arizona consisting of those portions of Mohave and Coconino Counties located north of the Grand Canyon (also known as the Arizona Strip) from Class A to Class Free. The rest of Arizona remains designated as Class A.

Executive Order and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined to be not a major rule. Based on information complied by the Department, it has been determined that this rule will not have a significant effect

on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have any significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For the action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of a portion of the State of Arizona reduces certain requirements on the interstate movement of these cattle. Cattle from Certified Brucellosis-Free Herds moving interstate are not affected by the change in status. It has been determined that the change in brucellosis status made by this document will not affect marketing patterns and will not have a significant economic impact on those persons affected by this document.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. (See 7 CFR Part 3015, Subpart V).

Emergency Action

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is warranted in order to delete unnecessary restrictions on the interstate movement of certain cattle from the portions of Mohave and Coconino Counties north of the Grand Canyon in Arizona.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause

that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the Federal Register. Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the Federal Register.

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, 9 CFR Part 78 is amended as follows:

1. The authority citation for Part 78 continues to read as follows:

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 78.20 [Amended]

2. Section 78.20(a) is amended by adding "Arizona (those portions of Mohave and Coconino Counties north of the Grand Canyon);" immediately before "Connecticut."

3. In § 78.20(b), "Arizona," is revised to read: "Arizona (except those portions of Mohave and Coconino Counties north of the Grand Canyon)."

Done at Washington, DC, this 19th day of May 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.
[FR Doc. 86-11858 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 32

[Docket No. 86-9]

National Banks' Lending Limits; Request for Comment

Correction

In FR Doc. 86-9057 beginning on page 15303 in the issue of Wednesday, April 23, 1986, make the following correction:

On page 15304, in the third column, the seventh line should read: "(For use until January 1, 1993)".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION Federal Aviation Administration

14 CFR Part 93

[Docket No. 24990; Amdt. No. 93-51]

Anchorage, Alaska, Special Airport Traffic Area

Correction

In FR Doc. 86-11136 beginning on page 18310 in the issue of Monday, May 19, 1986, make the following correction: On page 18312 in the first column "\$93.6 [Amended]" should read "\$93.61 [Amended]".

BILLING CODE 1505-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-090 (Texas-9 Addition II); Order No. 450]

High-Cost Gas Produced From Tight Formations; Texas Order Modifying and Adopting Jurisdictional Agency Recommendation

Issued May 23, 1986.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; Order modifying and adopting recommendation.

SUMMARY: Under section 107(c)(5) of the Natural Gas Policy Act of 1978, the Federal Energy Regulatory Commission designates certain types of natural gas as high-cost gas. High-cost gas is produced under conditions which present extraordinary risks or costs and once designated may receive an incentive price. Under section 107(c)(5), the Commission issued a rule designating natural gas produced from tight formations as high-cost gas. Jurisdictional agencies may submit recommendations of areas for designation as tight formations. Here, the Federal Energy Regulatory Commission modifies and adopts the recommendation of the Railroad Commission of Texas that the Travis Peak Formation, located in Districts 5 and 6 of the State of Texas, be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective June 23, 1986.

FOR FURTHER INFORMATION CONTACT: Frederick W. Peters, (202) 357-9115; or Walter W. Lawson, (202) 357-8737.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

On November 2, 1981, the Federal Energy Regulatory Commission (Commission) received a recommendation pursuant to § 271.703 of the Commission's regulations¹ from the Railroad Commission of Texas (Texas) that the Travis Peak Formation² underlying 47 counties in Districts 5 and 6 in the northeastern part of the State of Texas, be designated as a tight formation. The recommendation was proposed in a Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation (Director), issued on December 15, 1981.³ On January 22, 1982, Commission staff informed Texas by letter that the recommendation did not meet the Commission's guidelines for tight formation designation. On September 19, 1983, Texas submitted an amended recommendation. An Amended Notice of Proposed Rulemaking was issued on November 14, 1983.⁴

Background

Under applicable NGPA regulations,⁵ it is the Commission's policy to designate as a tight formation any formation recommended by a jurisdictional agency if the Commission finds that substantial evidence in the record shows that the average gas permeability, stabilized pre-stimulation natural gas flow rate, and the pre-stimulation oil flow rate of the formation do not exceed designated limits.

Texas' original recommendation was based on data from 606 gas wells. These data were obtained from operators and public records, but were listed by code number so that specific well identities and locations were not disclosed. Staff analysis revealed that the formation's average permeability and stabilized

¹ 18 CFR 271.703 (1985).

² The Travis Peak is the basal formation of the Lower Cretaceous series and is encountered immediately below the last limestone zone of the Sligo-Pettit Formation. It overlies the Jurassic Cotton Valley Group and is composed of lenticular, alternating sandstone and shale beds. Its thickness ranges from 500 to 2500 feet throughout the proposed area; the depth to the top of the formation varies from 3,140 feet to 10,850 feet.

³ 46 FR 62086 (Dec. 22, 1981). Comments in support of the recommendation were filed by Mitchell Energy Corporation, Champlin Petroleum Company, and Husky Oil Company.

⁴ 48 FR 52462 (Nov. 18, 1983). Comments in support of the amended recommendation were filed by Champlin Petroleum Company and Crystal Oil Company. No party requested a hearing, and a hearing was not held.

⁵ 18 CFR 271.703(c)(2)(i)(A)-(C) (1985). Incentive pricing under section 107(c)(5) of the NGPA is provided to encourage the exploration for and development of unconventional gas supplies.

natural gas flow rate exceeded the permissible levels. With respect to the oil flow rate criterion, Texas' recommendation was not supported by any data. Texas simply noted that as of 1980 there were 183 active oil wells completed in the recommended area.

In its September 1983 amended recommendation, Texas continued to recommend that the entire Travis Peak Formation be designated as a tight formation. However, Texas suggested as an alternative that the top 200 feet of 45 specific gas wells be excluded from the recommended area, as well as all oil wells producing in the area. Texas' alternative recommendation contained no new data and continued to list all wells by code number.⁶ Analysis of the alternative recommendation revealed that the formation's average permeability and stabilized natural gas flow rate still exceeded the permissible levels.

On December 13, 1983, Commission staff met with members of the Texas staff to discuss the Travis Peak recommendation. Commission staff learned that the application filed by Texas Oil and Gas Corporation (TXO) contained summary data and that all well identities were coded by TXO for proprietary reasons. Since it was not possible to determine the location of the data wells, neither Texas staff nor the Commission staff could properly analyze TXO's application. However, in order to facilitate Commission consideration of the recommendation, TXO provided Commission staff with additional permeability and flow rate data, referenced by code number, in 1985.

Review of the data submitted by TXO reveals that a large number of high permeability and high flow rate wells are located in two Panola County fields, the Bethany Field and the Carthage Field. Specifically, 31 of 44 data wells in the Bethany Field and 46 of 65 data wells in the Carthage Field exceed either the permeability or flow rate guidelines. These two fields thus represent "sweet spots" within an otherwise tight formation and are proposed to be excluded by Commission staff. Further analysis reveals that 31

other gas wells located throughout the recommended area have very high permeability values or high pre-stimulation flow rates and should be excluded to bring the remaining area within Commission guidelines.⁷ Since there are still no specific flow rate data with respect to oil production, staff recommends that all oil wells be excluded from the recommended area.⁸

On December 6, 1985, Commission staff notified Texas of the proposed exclusions. Texas replied by letter of January 7, 1986, that the data analyzed by the Commission staff were never filed with or through Texas. Texas stated that it could not support any desigination which would exclude any areas and/or wells from the area originally recommended.

Discussion

Under the tight formation program, as detailed in Order No. 99,⁹ tight formation recommendations submitted to the Commission are approved under the Commission's rulemaking authority. The Commission is not limited by the evidence in the record presented to it by the jurisdictional agency and the various commenters, and accordingly is free to request or to develop any additional evidence which it deems necessary in order for it to issue a rule. Based on the supplemental information it has received and analyzed, the Commission finds that it is reasonable and necessary for it to modify Texas' recommendation.

The information submitted by TXO demonstrates that much of the Travis Peak Formation qualifies as a tight formation. Given the Commission's broad rulemaking authority, it would be unreasonable for the Commission to ignore the evidence which it has received simply because that evidence was never made available to Texas. Accordingly, Texas' recommendation must be modified to exclude (1) all oil wells (2) two gas fields in Panola County and (3) 31 other gas wells located

throughout the recommended area. The exclusions are specifically described in the § 271.703 (d)(36)(v)(C). As discussed earlier, these exclusions result in an average permeability and natural gas flow rate throughout the remaining recommended area which are within the levels established under section 271.703(d). This action does not preclude Texas from requesting at a future date that some or all of the oil wells should be included in the designated area, if data are presented showing that the oil wells meet the Commission's guidelines.

The Commission Orders

Based on the discussion herein, the Commission adopts the recommendation of the Railroad Commission of Texas that a portion of the Travis Peak Formation, as modified by this order, be designated as a tight formation under section 271.703(d).

This amendment shall become effective June 23, 1986.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, is amended as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

Section 271.703 is amended as follows:

1. The authority citation for Part 271 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

2. Section 271.703 is amended by adding paragraph (d)(36)(v) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(36) *Travis Peak Formation in Texas.* RM79-76 (Texas-9) and (Texas-9 Addition and Additions II, III, IV and VI).

* * * * *

(v) *Railroad Commission Districts 5 and 6.—(A) Delineation of formation.* The Travis Peak Formation is found in northeast Texas and includes all of Railroad Commission Districts 5 and 6 which contains 47 counties. A specified area of Panola County, 31 gas wells located throughout the formation, and

⁷ The 31 gas wells are those wells among the remaining data wells which exceed either the permeability or flow rate guidelines by the greatest magnitude.

⁸ Commission guidelines provide that the pre-stimulation oil flow rate of all wells in a tight formation may not exceed 5 barrels of oil per day. Texas' recommendation states that 96 percent of total production from the recommended area on a Btu basis is natural gas, twenty percent of the wells are oil wells, and 11 percent of the wells may produce as much as 5 barrels of oil per day. It is therefore reasonable to conclude that the flow rate of some oil wells may be within permissible levels. Based on the limited information available, however, excluding all oil wells from the recommended area ensures that the guidelines are met.

⁹ Docket No. RM79-76, issued August 22, 1980, FERC Statutes and Regulations § 30.183.

⁶ Texas also stated that average permeability should be based on a geometric mean rather than an arithmetic average. The issue of geometric v. arithmetic averaging was the subject of a public hearing before the Commission on November 12, 1982, in Docket No. RM79-76-089, *et al.* The geometric mean of a statistically diverse sample containing extremely high and low values will be lower than the arithmetic average of the same sample. The Commission has consistently required that a formation's average permeability be derived by arithmetically averaging representative permeability values.

all wells that have been designated as oil wells are excluded. These exclusions are described and listed in paragraph (d)(36)(v)(C) of this section.

(B) *Depth.* The top of the Travis Peak Formation is found at a depth of 3,140 feet in Lamar County in the northern area of the east Texas basin and at 10,850 feet in the southern part of the basin in Cherokee County. The formation ranges in thickness from approximately 500 feet in the north to 2,500 feet in the south.

(C) *Areas not covered by the tight formation designation in Docket No. RM79-76-090 (Texas-9 Addition II).*¹

(1) The following natural gas wells:

Well name	Field	County
G.J. Huff #1	Cyril (TP 7650)	Rusk.
Fields-Isaacs 2C	Waskom (TP)	Harrison.
J.M. Furr 1-T	Washom (TP-1)	Harrison.
Carl Rocky 1	Cyril (TP 7650)	Rusk.
Alford-Markey #1	Jarrell Creek (TP)	Rusk.
Wm. Witcher Gas Unit #1	E. Oak Hill (TP)	Rusk.
H.A. Dunn B #1	Whelan (TP Prorated)	Harrison.
C.A. Newsome Est 1-U	Freestone (TP)	Freestone.
J.M. Harvard 1-C	Opelika (TP)	Henderson.
Teddie Young B #4	Tri-Cities (TP Lower)	Henderson.
Ivy Williams Heirs 2T	N. Lansing (TP)	Harrison.
Margaret Suggs #1	N. Lansing (TP)	Harrison.
Bynum 2L	Henderson (Rusk Co. TP)	Rusk.
D.J. Tucker A1T	Personville (TP)	Limestone.
W.M. Taylor 1T	Joquin (TP)	Shelby.
Hinton 1	Willow Spring (TP)	Gregg.
ILA White et al Unit 1T	Box Church (TP)	Limestone.
Shiloh Gas Unit 10-1	Shiloh (TP)	Rusk.
Lee Tipps Estate 1	Pone (TP Gas)	Rusk.
Skipper Unit 1	Willow Springs (TP)	Gregg.
Harry Hogue 1	Tri-Cities (TP Lower)	Henderson.
J.W. Hanson 1R	Joaquin (TP)	Shelby.
William H. Lane GU 3	Gooch (TP)	Harrison.
F.C. Green 3	Woodlawn (TP-A)	Harrison.
M.E. Sparkman 1	Minden (TP)	Rusk.
Ester Brown Estate 1	S. Henderson (TP-A)	Rusk.
O.L. Guy (TP Unit) 1	Joaquin (TP)	Shelby.
Northern Gas Unit 1	Reed (TP)	Freestone.
Birdwell 1	E. Minden (TP)	Rusk.
Ruppe-Bosch 2	S.W. Whelan (TP, LO)	Harrison.
J.R. Tuttle 1	S.W. Woodlawn (TP)	Harrison.

(2) Specifically, that area within these described boundaries: starting at the NE corner of Panola County south along the border of Texas and Louisiana to the south line of the J.N. Bowman survey, then west along the south line of the J.N. Bowman survey and the James Matthews survey to the west line of the James Matthews survey, then north along the west line of the James Matthews survey to the north line of the Wm. English Hrs. survey, then west along the north line of the Wm. English Hrs. survey to the west line of the Wm.

English Hrs. survey, then south along the west line of the Wm. English Hrs. survey and the Wm. G. Anderson survey to the north line of the Willis Vaughn survey, then northwest to the west line of the Willis Vaughn survey, then south along the west line of the Willis Vaughn survey and the west line of the Adam Lagrone survey and the east line of the Barley Anderson survey to the north line of the Thomas Powdril survey, then east along the north line of the Thomas Powdril survey to the east line of the Thomas Powdril survey, then south along the east line of the Thomas Powdril survey to the north line of the Hampton Anderson survey, then southeast along the north line of the Hampton Anderson survey to the east line of the Hampton Anderson survey, then southwest along the east line of the Hampton Anderson survey to the south line of the Hampton Anderson survey, then northwest along the south line of the Hampton Anderson survey to the east line of the W.B. Hooker survey, then south along the east line of the W.B. Hooker survey to the south line of the W.B. Hooker survey, then west along the south line of the W.B. Hooker survey and the Julia Soape survey and the A.G. Hudson survey to the east line of the A.G. Hudson survey, then south along the east line of the A.G. Hudson survey to the south line of the A.G. Hudson survey, then west along the south line of the A.G. Hudson survey to the west line of the A.G. Hudson survey, then north along the west line of the A.G. Hudson survey to the north line of the L.A. Choate survey, then west along the north line of the L.A. Choate survey to the east line of the I. Moore survey, then north along the east line of the I. Moore, J.J. Soape and A. Smith surveys to the north line of the A. Smith survey, then west along the north line of the A. Smith survey to the east line of the Wiet Anderson survey, then north along the east line of the Wiet Anderson survey to the north line of the Wiet Anderson survey, then west along the north line of the Wiet Anderson survey to the west line of the Wiet Anderson survey, then south along the west line of the Wiet Anderson survey to the north line of the Mathew Payne survey, then west along the north line of the Mathew Payne survey, the L. Shield survey and the Sabella Hanks survey to the west line of the G.N. Graves survey, then north along the west line of the G.N. Graves survey and the A. Moorman survey to the north line of the M. Smith survey, then west along the north line of the M. Smith survey to the west line of the J.A. Powers survey, then north along the west line of the J.A. Powers survey to the north line of the J.A. Powers

survey, then east along the north line of the J.A. Powers survey to the west line of the Sam Duncan survey, then north along the west line of the Sam Duncan survey to the south line of the David Blankenship survey, then west along the south line of the David Blankenship survey to the west line of the David Blankenship survey, then north along the west line of the David Blankenship survey to the north line of the David Blankenship survey, then east along the north line of the David Blankenship survey to the east line of the David Blankenship survey, then south along the east line of the David Blankenship survey to the south line of the L. Bowker survey, then northeast along the south line of the L. Bowker survey and the Wm. McFadden survey to the west line of the Antwine Duboise, Sr. survey, then northwest along the west line of the Antwine Duboise, Sr. survey and the Antwine Duboise, Jr. survey to the north line of the Antwine Duboise, Jr. survey, then northeast along the north line of the Antwine Duboise Jr. survey and the south line of the Medom Yates survey to the east line of the Medom Yates survey, then northwest along the east line of the Medom Yates survey to the north line of the Medom Yates survey, then northeast along the north line of the TCRR Co. survey to the west line of the T.T. Williamson survey, then north along the west line of the T.T. Williamson survey to the north line of the T.T. Williamson survey, then east along the north line of the T.T. Williamson survey to the west line of the Felix G. Timmin survey, then northeast along the west line of the Felix G. Timmin survey to the Panola County line, then east along the Panola County north line to the Texas and Louisiana border.

(3) All wells that have been designated as oil wells.

[FR Doc. 86-11886 Filed 5-27-86; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 142

[T.D. 86-106]

Customs Regulations Amendment Relating to Entry Numbers

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect recent

¹ The recommendation of Texas in Docket No. RM79-76-196 (Texas-9 Addition V), concerning the Pinehill, S.E. Field, is rendered moot because the Pinehill Field is included within the area designated as a tight formation by section 271.703(d)(36)(v). Accordingly, Docket No. RM79-76-196 is terminated.

changes in the assignment and format of entry numbers used by the international trade community in submitting entry documentation for processing by the Customs Service. The public was informed of changes to the entry number procedures by documents published in the *Federal Register* in 1985. However, the regulations were not amended. After a further review of the matter, it has been determined that the new entry number procedures should be included in the regulations. This amendment is one of the numerous initiatives Customs has undertaken relating to the development of a comprehensive integrated Automated Commercial System. When fully implemented, the changes will ensure entry processing efficiency.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT:

Richard J. Bonner, Duty Assessment Division (202-535-4141), U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

SUPPLEMENTARY INFORMATION:

Background

Customs has undertaken numerous initiatives relating to the development of a comprehensive integrated Automated Commercial System (ACS). When fully developed, this system will provide an efficient means for accomplishing the current and future entry processing needs of Customs, other government agencies and the international trade community. Currently, many formal entries received by Customs are prepared on computers. More international trade businesses are planning to use computers as part of automating the preparation of import documentation.

To ensure entry processing efficiency for both Customs and entry preparers, changes in the assignment and format of entry type codes and entry number are desirable.

Accordingly, by notice published in the *Federal Register* on January 13, 1984 (49 FR 1740), Customs proposed new procedures for both entry type codes and entry numbers and invited interested parties to submit comments. Although comments were received on both procedures, Customs published a final rule as T.D. 85-5 in the *Federal Register* on January 11, 1985 (50 FR 1499), which concerned only the changes to entry type codes. Those comments relating to the entry number proposal were still being analyzed. That analysis has been completed and the final changes to the entry numbers are the

subject of T.D. 85-112, published in the *Federal Register* on July 8, 1985 (50 FR 27816). That document amended Part 142, Customs Regulations, by removing § 142.3a.

However, after further review of the matter, Customs has determined that the new entry number procedures should be included in Part 142, Customs Regulations (19 CFR Part 142), relating to the entry process. Accordingly, this document adds a new § 142.3a, Customs Regulations (19 CFR 142.3a) to reflect these new changes. In addition, the document establishes a new effective date of October 1, 1986, which supercedes the original effective date of October 1, 1985, which appeared in T.D. 85-112. Compliance with the original effective date was waived by Customs in order to allow brokers and importers additional time to implement the new entry number procedures.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in section 1(b) of E.O. 12291. Accordingly, no regulatory impact analysis has been prepared.

Regulatory Flexibility Act

Pursuant to the provisions of section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601, *et seq.*), it is hereby certified that the changes set forth in this document will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Drafting Information

The principal author of this document was Glen E. Vereb, Regulations Control Branch, Office of Regulations and Rulings, Customs Headquarters. However, personnel from other Customs offices participated in its development.

List of Subjects in 19 CFR Part 142

Customs duties and inspection, Imports.

Amendment to the Regulations

PART 142—ENTRY PROCESS

1. The authority citation for Part 142, Customs Regulations (19 CFR Part 142), continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

2. Part 142 is amended by adding a new § 142.3a to read as follows:

§ 142.3a Entry numbers.

(a) *Placement on Customs Forms.* The

importer or broker shall place an 11 character entry number on the entry and corresponding entry summary documentation. For documentation prepared on data processing equipment, the number shall be printed directly on the form. For manually prepared documentation, the number shall be pre-printed in a machine readable format specified by Customs. The same number shall not be used for more than one entry transaction.

(b) *Format.* The following format, including hyphens, must be used when showing the entry number:

XXX-NNNNNNN-N

XXX represents an entry filer code assigned by Customs. NNNNNNN is a unique number which is assigned by the broker or importer, and N is a check digit computed from the first 10 characters based on a formula provided by Customs.

(1) *Assignment of Entry Filer Code.*

Customs will assign a unique 3 character (alphabetic, numeric, or alpha numeric) entry filer code to all licensed brokers filing Customs entries. Customs will assign an entry filer code to certain importers filing Customs entries based on importer entry volume, frequency of entry filing, and other considerations. The broker or importer shall use this assigned code as the beginning three characters of the number for all Customs entries, regardless of where the entries are filed.

(2) *Entry Filer Assigned Number.* For each entry, the broker or importer shall assign a unique 7 digit number. This number shall not be assigned to more than one transaction.

(3) *Check Digit.* The broker or importer is responsible for ensuring that the check digit is computed by data processing equipment.

(c) *Misuse of the Entry Filer Code.* The district director may refuse to allow use of an assigned entry filer code if it is misused by the importer or broker.

(d) *Alternative Procedure.* If an importer does not have an assigned entry filer code, or if the district director, in accordance with paragraph (c) of this section refuses to allow use of an assigned entry filer code, the importer or broker shall obtain forms with a Customs assigned pre-printed machine readable entry number with a computed check digit. These forms will be available for sale by Customs and must be obtained and used before the

merchandise may be released from Customs custody.

Alfred R. De Angelus,
Acting Commissioner of Customs.

Approved May 14, 1986.

Francis A. Keating II,
Assistant Secretary of the Treasury.
[FR Doc. 86-11881 Filed 5-27-86; 8:45 am]
BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 85F-0177]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 1,1'-[(6-phenyl-1,3,5-triazine-2,4-diyl)diimino]bis-9,10-anthracenedione as a colorant in polyethylene phthalate polymers for food-contact use. This action responds to a petition filed by Ciba-Geigy Corp.

DATES: Effective May 28, 1986; objections by June 27, 1986.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the *Federal Register* of June 19, 1985 (50 FR 25467), FDA announced that a petition (FAP 5B3854) had been filed by Ciba-Geigy, Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that the food additive regulations be amended to provide for the safe use of 1,1'-[(6-phenyl-1,3,5-triazine-2,4-diyl)diimino]bis-9,10-anthracenedione as a colorant in polyethylene phthalate polymers for food-contact use.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe, and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in

reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. FDA's regulations implementing the National Environmental Policy Act (21 CFR Part 25) have been replaced by a rule published in the *Federal Register* of April 26, 1985 (50 FR 16636, effective July 25, 1985). Under the new rule, an action of this type would require an abbreviated environmental assessment under 21 CFR 25.31a(b)(1).

Any person who will be adversely affected by this regulation may at any time on or before June 27, 1986, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, Part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

1. The authority citation for 21 CFR Part 178 continues to read as follows:

Authority: Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348); 21 CFR 5.10 and 5.61.

2. Section 178.3297 is amended in paragraph (e) by alphabetically inserting a new item in the list of substances to read as follows:

§ 178.3297 Colorants for polymers.

Substances	Limitations
1,1'-[(6-Phenyl-1,3,5-triazine-2,4-diyl)diimino]bis-9,10-anthracenedione (CAS Reg. No. 4118-16-5).	For use at levels not to exceed 0.25 percent by weight of polyethylene phthalate polymers that comply with § 177.1630 of this chapter. The finished articles are to contact food only under conditions of use E, F, and G described in table 2, § 176.170(c) of this chapter, except when such articles are used with food types III, IV-A, and V, described in table 1, § 176.170(c) of this chapter, the finished articles are to contact food only under conditions of use D, E, F, and G.

Dated: May 15, 1986.

Richard J. Ronk,
Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-11842 Filed 5-27-86; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PP4H5444/R826; FRL-3019-5]

(Alpha RS, 2R)-fluvalinate [(RS)-Alpha-cyano-3-phenoxybenzyl(R)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate]; Feed Additive Tolerance; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correction.

SUMMARY: This document corrects the section number of a regulation that established tolerances for an insecticide

on the feed commodities cottonseed hulls and cottonseed oil (crude and refined).

FOR FURTHER INFORMATION CONTACT:

John A. Richards, Chief, Federal Register Staff (TS-788B), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-603, 401 M St. SW., Washington, DC 20460, (202) 382-2253.

SUPPLEMENTARY INFORMATION: In FR Doc. 86-9189 appearing on page 15317 in the *Federal Register* of April 23, 1986, the following correction is made: § 561.437, entitled "(Alpha RS, 2R)-fluvalinate [(RS)-alpha-cyano-3-phenoxybenzyl(R)-2-[2-chloro-4-(trifluoromethyl) anilino]-3-methylbutanoate]," is corrected to read § 561.436.

Dated: May 15, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-11521 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

25 CFR Part 700

Commission Operations and Relocation Procedures; Final Date for Voluntary Relocation Application; Eligibility

AGENCY: Navajo and Hopi Indian Relocation Commission.

ACTION: Interim final rule with request for comments.

SUMMARY: Pursuant to Pub. L. 93-531, the Navajo and Hopi Indian Relocation Commission submitted a *Report and Plan to Congress* in 1981. That report provided that applications for relocation would be accepted until July 7, 1986. In 1985, the Interior Appropriations Bill (Pub. L. 99-190) contained language establishing July 7, 1985 as the final date for the receipt of applications for voluntary relocation. The Commission published a regulation consistent with the Appropriations Law. That regulation was challenged in court and the Court ordered the Commission to continue to accept applications until July 7, 1986. This rule implements the court order and restates Commission policy as it was prior to the 1985 Appropriations Act. **DATES:** Interim rule effective May 28, 1986. Comments must be received on or before June 27, 1986.

ADDRESSES: Comments may be mailed to the Executive Director, Navajo and Hopi Relocation Commission, P.O. Box KK, Flagstaff, Arizona 86002.

FOR FURTHER INFORMATION CONTACT:

Sue Crystal (Attorney), Navajo and Hopi Indian Relocation Commission, at (602) 779-2721.

SUPPLEMENTARY INFORMATION: In 1985, pursuant to Congressional directive, the Commission proposed a rule establishing July 7, 1985 as the deadline for the receipt of applications for voluntary relocation. This regulation was challenged in court in the case of *Zah v. Navajo and Hopi Indian Relocation Commission* (CIV.85-1615, District Court—Phx.). In its order on the Motion for Preliminary Injunction, the Court determined that the Commission should continue to accept applications for relocation benefits until July 7, 1986. The Commission published notices of the application deadline and sent letters to the last-known addresses of anyone of whom the Commission had knowledge who might be subject to relocation. The purpose of this proposed rule is to clarify the existing situation as a result of the Court's order.

The rule provides that in order to be considered for voluntary relocation assistance, individuals must apply by July 7, 1986. To be eligible for benefits, individuals must meet the Commission's eligibility requirements as of July 7, 1986. This means that people must have achieved head-of-household status by that date to qualify for relocation benefits. The Commission has been publishing notices throughout the last year notifying those who might be subject to relocation that they should apply by July 7, 1986.

Provision has been made in § 700.138 for those individuals who are physically residing on land partitioned to the Tribe of which they are not members, but who have not applied for relocation benefits by July 7, 1986. The Commission has deleted the existing § 700.138 and replaced it with a section that delineates the actions that will be taken regarding those families who have not applied for voluntary benefits. Those persons who do not apply by July 7, 1986 will be contacted by the Commission as soon as practicable following July 7, 1986. Consistent with 25 U.S.C., 640d-14(d)(3), the Commission will request that those heads-of-households who are full time residents on land partitioned to a Tribe of which they are not members, who have not applied, choose an available area for relocation and contract with the Commission for relocation. By full time resident, the Commission means individuals who are currently physically residing on land partitioned to the Tribe of which they are not members who have no other place of residence. Relocates will be offered suitable

housing consistent with the Commission's benefit levels and the Commission will purchase improvements that they own on the land partitioned to the Tribe of which they are not members. Individuals will be requested to choose their own relocation site and will have the discretion to select housing from the Commission's housing plans. If an individual identified as physically residing on land partitioned to a Tribe of which they are not a member does not agree to move and fails to make arrangements with the Commission, the Commission will identify the funds necessary for the construction of a relocation house or construct housing for these individuals. At the time that such housing is available or the funds necessary to construct the house have been identified and set aside, the Commission will issue a notice stating the date by which the person will be required to move. If at the end of that 90-day period, the individual still does not agree to move, the Commission will exercise the Referral for Action provision of § 700.139. This section provides that the Commission will send a list of names of those individuals who refuse to move to the Secretary of the Interior and to the U.S. Attorney for the District of Arizona for action as they deem appropriate. The Commission will assure the availability of relocation assistance for those individuals.

The Commission is also by this rule amending § 700.147 by adding a new subsection. This subsection provides that relocation assistance benefits are restricted to those people who meet the head-of-household criteria as of July 7, 1986. This section is added to the eligibility regulations to clarify the cutoff date for the establishment of eligibility. This section is designed to reiterate what is included in § 700.137(b).

The Commission has determined that there is good cause to make this regulation effective immediately. This action is necessitated because of a court action resulting in an order directing the Commission to continue to accept applications until July 7, 1986. It was only recently agreed by the parties to the court action that no further action would be taken in that lawsuit. At the time the court order was issued, all parties of whom the Commission had knowledge were informed of the extension of the deadline by personal letter. Notices were also published in newspapers which served the affected population. Those parties affected have been on notice since February of the extended deadline. Because of the

impending July 7, 1986 deadline, this rule will become effective immediately upon publication. The Commission will receive all public comment after publication and incorporate any changes prior to the publication of the final rule. The provisions of § 700.138 are consistent with the Commission's existing regulations and do not present any major change from existing rules. Those existing rules have been in effect for a year and the individuals affected have already had time to comment during their publication period in the spring of 1985.

The Commission's policy since its inception has been to accept applications for voluntary relocation until July 7, 1986. It has also been the Commission's policy that such date represents a cutoff for the determination of eligibility. The purpose of this regulation is to clarify any ambiguity which resulted from the regulations which were published in the spring of 1985. It should be stressed that the Commission has published notices and sent letters to individuals designed to notify people of the final date for the receipt of applications for voluntary relocation. This rule is designed to formalize that notice by inclusion in the *Federal Register*.

The principal author of this final rulemaking is Susan Crystal, Attorney, Navajo and Hopi Relocation Commission.

List of Subjects in 25 CFR Part 700

Administrative practice and procedure, Conflict of interests, Freedom of Information, Grant program—Indians, Indian—claims, Privacy, Real property acquisition, Relocation Assistance.

Accordingly, the Commission amends Part 700 as follows:

PART 700—AMENDMENTS

1. The authority citation for Part 700 continues to read as follows:

Authority: 25 U.S.C. 640d, Pub. L. 93-531, 25 U.S.C. 640d-14, Pub. L. 96-305.

2. Sections 700.137 and 700.138 are revised, and § 700.147(e) is added to read as follows:

§ 700.137 Final date for voluntary relocation application.

(a) In order to be considered for voluntary relocation assistance benefits, an applicant must have filed a completed application form with the Commission by the close of business on July 7, 1986.

(b) To qualify for relocation assistance, individuals must meet the eligibility requirements as of July 7, 1986.

§ 700.138 Persons who have not applied for voluntary relocation by July 7, 1986.

(a) Pursuant to 25 U.S.C. 640d-14 (d)(3) heads-of-household who do not make timely arrangements for relocation by filing an application by July 7, 1986, shall be provided a replacement home by the Commission. To be eligible for benefits (Housing and Moving Expenses), such persons must be, as of July 7, 1986, physically residing full time on land partitioned to a tribe of which they are not members and they must also otherwise meet all other current eligibility criteria.

(b) The Commission shall utilize amounts payable with respect to such households pursuant to 25 U.S.C. 640d-14(b)(2) and 25 U.S.C. 640d-34(a) for the construction or acquisition of a home and related facilities for such households.

(c) Persons identified by the Commission as potentially subject to relocation who have not applied for relocation assistance shall be contacted by the Commission as soon as practicable after July 7, 1986. At such time, the Commission shall—

(1) Request that the head-of-household choose an available area for relocation, and contract with the Commission for relocation; and

(2) Offer the relocatee suitable housing; and

(3) Offer to purchase from the head-of-household the habitation and improvements; and

(4) Offer provisions for the head-of-household and his family to be moved (e.g., moving expenses, etc.)

(d) If a person so identified fails to agree to move after the actions outlined in this section are taken by the Commission and suitable housing is available (or sufficient funds are available to assure the relocation assistance to which the relocatee may be entitled), the Commission will issue a ninety-day notice stating the date by which the person will be required to vacate the area partitioned to the Tribe of which he is not a member.

§ 700.147 [Amended]

* * * * *

(e) Relocation benefits are restricted to those who qualify as heads-of-household as of July 7, 1986.

Ralph A. Watkins, Jr.,

Chairman, Navajo and Hopi Indian Relocation Commission.

[FR Doc. 86-11976 Filed 5-23-86; 11:58 am]

BILLING CODE 7560-01-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Office of Postsecondary Education

34 CFR Part 208

State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning and for Increasing the Access of All Students to That Instruction

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning and for Increasing the Access of All Students to That Instruction under Title II of the Education for Economic Security Act. These final regulations implement technical amendments made to Title II by the National Science, Engineering, and Mathematics Authorization Act of 1986.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Allen Schmieder, Chief, Mathematics/Science Section, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 2011, FOB-6, Mail Stop 6264), Washington, D.C. 20202. Telephone: (202) 755-0410.

SUPPLEMENTARY INFORMATION:

Background

On October 25, 1985, the Department published, at 50 FR 43542-57 (34 CFR Part 208), final regulations governing State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning and for Increasing the Access of All Students to That Instruction under Title II of the Education for Economic Security Act, 20 U.S.C. 3961 *et seq.* On November 22, 1985, the President signed into law technical amendments to Title II made by the National Science, Engineering, and Mathematics Authorization Act of 1986, Pub. L. 99-159. The final regulations in this document implement those changes, where necessary.

Effect of Reauthorization

Pub. L. 99-159 extends the authorization for Title II through fiscal year 1988. These regulations, however, do not change the conditions that must be met to receive funds for fiscal years 1987 and 1988. The Secretary believes that this approach facilitates implementation of the program with minimum burden to States. Thus, once a State has submitted its application and assessment of need in accordance with §§ 208.11-208.13, the State need not resubmit those documents in order to receive funds. Of course, if the State makes significant and relevant changes in its Title II programs, it must amend its application in accordance with § 208.12(b) and 34 CFR 76.140-76.141 of the Education Department General Administrative Regulations.

Similarly, the conditions a local educational agency (LEA) must meet to receive funds remain the same. The LEA is not required to resubmit its application or assessment of need. However, to receive a renewal of funds each year, the LEA must submit the information required in § 208.32(b).

Sections Requiring Changes as a Result of Pub. L. 99-159**Section 208.21 Allotment to States.**

Paragraph (c) implements that portion of section 223(a) of Pub. L. 99-159 that requires the Secretary to reserve one percent of the funds appropriated under Title II for each fiscal year to carry out the provisions of section 204(c) of Title II concerning children in Indian schools and the Insular Areas.

Section 208.23 Allotment to the Insular Areas.

Paragraph (a)(1) implements section 223(b) of Pub. L. 99-159. According to that section, from the one percent reserved to carry out the provisions of section 204(c) of Title II, the Secretary must allot not less than one-half of that amount for programs for children in elementary and secondary schools operated for Indian children by the Department of the Interior. The Secretary must allot the remaining amount among the Insular Areas. Although this language is slightly different, there is no substantive change from the previous provision in Title II. Moreover, under the new provision, the Secretary may still allot one-half of the amount reserved for section 204(c) for Indian schools and one-half for the Insular Areas, as he did for fiscal year 1985 funds.

Section 208.24 Allotment to the Bureau of Indian Affairs.

Paragraph (a) references § 208.21(c), added as a result of Pub. L. 99-159.

Section 208.32 LEA application and renewal.

Paragraph (a)(3) implements section 224(b)(3) of Pub. L. 99-159, which authorizes an LEA to conduct training programs. Title II, as originally enacted, authorized only inservice training and retraining.

Section 208.34 Allocation of funds.

Paragraph (a)(1) implements section 224(c) of Pub. L. 99-159, which gives a State educational agency (SEA) the option of calculating "relative enrollments," for the purpose of allocating funds to LEAs, on the basis of the total number of children enrolled in public schools and the number of children enrolled in either (1) all private nonprofit schools or (2) private nonprofit schools desiring that their children and teachers participate in Title II projects. Paragraph (a)(1) also incorporates the language in section 224(c) of Pub. L. 99-159 reiterating the responsibility of LEAs to contact, on an annual basis, appropriate private school officials to determine whether they desire that their children and teachers participate in Title II projects.

Section 208.35 Use of funds by LEAs.

Section 208.35 implements a number of changes made by Pub. L. 99-159. First, paragraphs (a), (b) (1) and (2)(i), and (c)(1)(i) implement sections 224(a), 224(b)(1), and 228(1) of Pub. L. 99-159 and indicate that training, inservice training, and retraining are all authorized activities for LEAs under Title II. Second, paragraphs (b)(1) and (2)(i) implement section 228(2) of Pub. L. 99-159, which indicates that an LEA may request a waiver under section 210(c) of Title II if the LEA does not need all or a portion of its Title II funds to meet its needs for training, inservice training, and retraining in mathematics and science. Essentially, these changes in paragraph (b) incorporate statutory changes that affirm the interpretation previously articulated in this section of the regulations. Finally, the changes in paragraphs (c)(1) (i) and (ii) conform paragraph (c) to changes made to section 206(b)(1)(B) of Title II by section 224(b)(1) of Pub. L. 99-159.

Section 208.42 Use of funds by SAHES.

Paragraph (a)(1) implements section 225(c)(2) of Pub. L. 99-159, which authorizes State agencies for higher education (SAHES) to conduct

cooperative programs in computer learning as well as in mathematics, science, and critical foreign languages.

Section 208.43 Use of funds by IHEs.

Section 208.43 implements section 225 (a) and (b) of Pub. L. 99-159, which authorizes institutions of higher education (IHEs) to provide retraining and inservice training in foreign languages as well as in mathematics, science, and computer learning.

Section 208.61 Participation of children and teachers in private schools.

Paragraph (d) implements section 228A of Pub. L. 99-159, which clarifies that only children and teachers in private elementary and secondary schools which are nonprofit may participate in Title II projects.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department of Education to publish regulations in proposed form and to offer interested parties the opportunity to comment on the proposed regulations. Because these regulations merely incorporate changes made by statute, however, public comment could have no effect. Therefore, publication of this document as a proposed rule for public comment has been determined to be unnecessary under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These amendments merely conform the existing regulations to new statutory requirements. The scope of the changes is limited and will not have a significant economic impact on the entities affected by the regulations.

Paperwork Reduction Act of 1980

These amendments do not contain any information collection requirements under the provisions of the Paperwork Reduction Act of 1980.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

The Department has determined the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 208

Colleges and universities, Education, Education of disadvantaged, Elementary and secondary education, Foreign languages, Grant programs—education, Private schools, Reporting and recordkeeping requirements, Science and technology, Teachers, Training program, Vocational education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations. Unless otherwise noted, the citations refer to sections of the Education for Economic Security Act.

(Catalog of Federal Domestic Assistance No. 84.164, State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning and for Increasing the Access of All Students to That Instruction)

Dated: May 21, 1986.

William J. Bennett,
Secretary of Education.

PART 208—STATE GRANTS FOR STRENGTHENING THE SKILLS OF TEACHERS AND INSTRUCTION IN MATHEMATICS, SCIENCE, FOREIGN LANGUAGES, AND COMPUTER LEARNING AND FOR INCREASING THE ACCESS OF ALL STUDENTS TO THAT INSTRUCTION

The Secretary amends Part 208 of Title 34 of the Code of Federal Regulations as follows:

1. The authority citation for Part 208 is revised to read as follows:

Authority: 20 U.S.C 3961–3971, 3973, unless otherwise noted.

2. Section 208.21 is amended by adding a new paragraph (c) to read as follows:

§ 208.21 Allotment to States.

(c) The Secretary reserves one (1) percent of the funds appropriated under Title II for each fiscal year to carry out the provisions of section 204(c) of Title II.

(20 U.S.C. 3964(a), 3965)

3. Section 208.23 is amended by revising paragraph (a)(1) and the citation of authority to read as follows:

§ 208.23 Allotment to the Insular Areas.

(a)(1) From the amount available under § 208.21(c), the Secretary allots the amount remaining after implementing § 208.24 among Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under Title II.

(20 U.S.C. 3964(a)(2)(B), (c))

4. Section 208.24 is amended by revising paragraph (a) and the citation of authority to read as follows:

§ 208.24 Allotment to the Bureau of Indian Affairs.

(a) From the amount available under § 208.21(c), the Secretary allots not less than one-half of that amount to the Bureau of Indian Affairs for programs under this part for children in elementary and secondary schools operated for Indian children by the U.S. Department of the Interior.

(20 U.S.C. 3964(a)(2)(B), (c))

5. Section 208.32 is amended by revising paragraph (a)(3) to read as follows:

§ 208.32 LEA application and renewal.

(a) * * *

(3) An assurance that programs of training, inservice training, and retraining will take into account the need for greater access to and participation in mathematics, science, and computer learning programs and careers for students from historically underrepresented and underserved populations.

* * *

6. Section 208.34 is amended by revising paragraph (a)(1) to read as follows:

§ 208.34 Allocation of funds.

(a) * * *

(1)(i) Fifty (50) percent of the funds must be distributed according to the relative enrollments in public and private nonprofit schools within the school districts of the LEAs. Relative enrollments may be calculated, at the option of the SEA, on the basis of the total number of children enrolled in public schools and—

(A) Private nonprofit schools; or
(B) Private nonprofit schools desiring that their children and teachers participate in Title II programs or projects.

(ii) Nothing in paragraph (a)(1)(i) of this section diminishes the responsibility of an LEA to contact, on an annual basis, appropriate officials of private nonprofit schools within its school district to determine whether those officials desire that their children and teachers participate in Title II programs or projects.

* * *

7. Section 208.35 is revised to read as follows:

§ 208.35 Use of funds by LEAs.

(a) Except as provided in paragraphs (b) and (c) of this section, an LEA shall use the funds it receives under § 208.34(a) for the expansion and improvement of training, inservice training, and retraining in the fields of mathematics and science of teachers and other appropriate school personnel, including vocational education teachers who use mathematics and science in teaching vocational education courses.

(b)(1) If an LEA determines that it does not need all or a portion of the funds it receives under this part to meet the needs identified in its assessment of need for training, inservice training, and retraining specified in paragraph (a) of this section, the LEA may request the SEA to waive to the extent necessary the provisions in paragraph (a) of this section in order that LEA may use funds not needed under paragraph (a) of this section for programs under paragraph (c) of this section.

(2)(i) If the SEA determines that the LEA does not need all or a portion of the funds the LEA receives under this part to meet the needs identified in the LEA's assessment of need for the training, inservice training, and retraining specified in paragraph (a) of this section, the SEA shall grant the LEA's request for a waiver.

(ii) In granting a waiver, the SEA shall ensure that the LEA will meet the requirements for the equitable participation of children and teachers in private schools in accordance with section 211 of Title II and 34 CFR 76.651–76.662.

(c)(1) Except as provided in paragraph (c)(2) of this section, if an LEA receives a waiver under paragraph (b) of this section, the LEA shall use funds not needed under paragraph (a) of this section for—

(i) Training, inservice training, and retraining in the fields of—

(A) Computer learning; and

(B) Foreign languages;

(ii) Acquisition of instructional materials and equipment related to mathematics and science instruction.

(2) Of the funds an LEA receives under § 208.34(a), an LEA may not use more than—

(i) Thirty (30) percent for the purchase of computers and computer-related instructional equipment; and

(ii) Fifteen (15) percent to strengthen instruction in foreign languages.

(d) An LEA may carry out the training and instruction under this section—

(1) Through agreements with public agencies, private industry, IHEs, and nonprofit organizations; and

(2) In conjunction with one or more LEAs within the State, with the SEA, or with both LEAs and the SEA.

(20 U.S.C. 3966 (b), (c), 3970(c), 3971)

8. Section 208.42 is amended by revising paragraph (a)(1) to read as follows:

§ 208.42 Use of funds by SAHES.

(a)(1) Subject to the requirement in paragraph (a)(2) of this section, a SAHE shall use not less than twenty (20) percent of the funds made available for higher education programs under § 208.21(b)(2) for cooperative programs among IHEs, LEAs, SEAs, private industry, and nonprofit organizations for the development and dissemination of projects designed to improve student understanding and performance in science, mathematics, computer learning, and critical foreign languages.

9. Section 208.43 is revised to read as follows:

§ 208.43 Use of funds by IHEs.

(a) Subject to the requirement in paragraph (b) of this section, an IHE shall use the funds awarded under § 208.41(a) for—

(1) Establishing traineeship programs for new teachers who will specialize in teaching mathematics and science at the secondary school level;

(2) Retraining secondary school teachers, who specialize in disciplines other than the teaching of mathematics, science, foreign languages, or computer learning, to specialize in the teaching of mathematics science, foreign languages, or computer learning, including provision of stipends for participation in

institutes authorized under Title I of the EESA; and

(3) Inservice training for elementary, secondary, and vocational school teachers and training for other appropriate school personnel to improve their teaching skills in the fields of mathematics, science, foreign languages, and computer learning, including stipends for participation in institutes authorized under Title I of the EESA.

(b) To receive funds for programs under paragraphs (a) (2) and (3) of this section, an IHE shall enter into an agreement with an LEA, or a consortium of LEAs, to provide inservice training and retraining for elementary and secondary school teachers in public and private schools in the LEA or LEAs.

(c) Each IHE receiving funds under § 208.41(a) shall assure that programs of training, retraining, and inservice training will take into account the need for greater access to and participation in mathematics, science, foreign languages, and computer learning and careers for—

(1) Students from historically underrepresented and underserved populations; and

(2) Gifted and talented students.

(20 U.S.C. 3967(b))

10. Section 208.61 is amended by adding a new paragraph (d) to read as follows:

§ 208.61 Participation of children and teachers in private schools.

* * * * *

(d) *Nonprofit status.* In accordance with section 211 of Title II, the regulations in this part only apply to children and teachers in private nonprofit elementary and secondary schools.

* * * * *

[FR Doc. 86-11863 Filed 5-27-86; 8:45 am]

BILLING CODE 4000-01-M

34 CFR Parts 230 and 231

Asbestos Detection and Control: Local and State Educational Agencies; Removal of Obsolete Provisions

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary removes obsolete regulations from the Code of Federal Regulations (CFR). When Congress enacted the Asbestos School Hazard Abatement Act of 1984, authorizing an asbestos program in the Environmental Protection Agency, it allowed the authorization for the Department of Education asbestos program to lapse. This effectively terminated the Department of Education

program and the implementing regulations in 34 CFR Parts 230 and 231 are no longer needed.

EFFECTIVE DATE: May 28, 1986.

FOR FURTHER INFORMATION CONTACT:

Dr. David G. Phillips, Division of Impact Aid, Department of Education, 400 Maryland Avenue SW., Washington, DC 20202-6272. Telephone: (202) 245-1975.

SUPPLEMENTARY INFORMATION: The Asbestos School Hazards Detection and Control Act of 1980 (Pub. L. 96-270, 20 U.S.C. 3601-3611) authorized asbestos programs in the Department of Education through fiscal year (FY) 1982. That authorization was extended through FY 1984 by section 528(8) of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35). When the Congress enacted the Asbestos School Hazard Abatement Act of 1984, authorizing a similar asbestos program in the Environmental Protection Agency, it allowed the authorization for the Department of Education program to lapse. This effectively terminated the Department of Education program and the implementing regulations in 34 CFR Parts 230 and 231 are no longer needed.

Waiver of Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of this document as a proposed rule for public comment is unnecessary under 5 U.S.C. 553(b)(B) because it is without substantive effect and concerns only the removal of obsolete regulations from the CFR.

List of Subjects

34 CFR Part 230

Asbestos, Grant programs-education, Grant programs-health, Hazardous substances, Loan programs-education, Loan programs-health, Reporting and recordkeeping requirements, Schools.

34 CFR Part 231

Asbestos, Grant programs-education, Grant programs-health, Hazardous substances, Reporting and recordkeeping requirements, Schools.

(Catalog of Federal Domestic Assistance No. does not apply)

Dated: May 21, 1986.

The Secretary amends Title 34 of the Code of Federal Regulations by moving Parts 230 and 231.

**PART 230—ASBESTOS DETECTION
AND CONTROL: LOCAL
EDUCATIONAL AGENCIES [REMOVED]**

1. 34 CFR Part 230 is removed.

**PART 231—ASBESTOS DETECTION
AND STATE PLAN: STATE
EDUCATIONAL AGENCIES [REMOVED]**

2. 34 CFR Part 231 is removed.

[FR Doc. 86-11793 Filed 5-27-86; 8:45 am]

BILLING CODE 4000-01-M

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 162

[OPP-00149A; FRL 3021-5]

**Advocacy of Pesticide Uses Which Do
Not Appear on Registered Pesticide
Labels; Amendment to the Statement
of Policy**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of amendment to policy.

SUMMARY: This notice amends a policy statement published in the *Federal Register* of October 22, 1981 (46 FR 51745) (October 1981 policy) and affects persons who distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver any antimicrobial pesticide. If any such person makes any claims for an antimicrobial pesticide product, targeted against microbial human pathogens, which differ from those made in conjunction with that product's registration, the EPA will regard that person as having violated section 12(a)(1)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), even when such claims are for uses allowed by FIFRA section 2(ee).

DATE: This policy is effective June 27, 1986.

FOR FURTHER INFORMATION CONTACT:

Daniel A. Helfgott (enforcement information), Office of Compliance Monitoring (EN-342), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-382-7847).

D. Jean Jenkins (technical information), Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, Virginia, (703-557-7443).

SUPPLEMENTARY INFORMATION:

I. Policy

FIFRA section 12(a)(1)(B) states that it is unlawful for a person who distributes, sells, offers for sale, holds for sale, ships, delivers for shipment, or receives and (having so received) delivers or offers to deliver a registered pesticide, to make any claims for that product which differ substantially from those claims made in conjunction with that product's registration. The term "claims" includes, but is not limited to, claims appearing in advertising, literature, letters, or other documents, as well as oral statements.

Under section 2(ee) of FIFRA it is not a misuse to:

1. Apply a pesticide at any dosage, concentration, or frequency less than that specified on the labeling.

2. Apply a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling (unless the label states that the pesticide may be used only against pests specified on the label).

3. Employ any method of application not prohibited by the labeling.

In the October 1981 policy, EPA stated its policy that, since a FIFRA section 2(ee) use is not a misuse, any claim made regarding FIFRA section 2(ee) uses would not be treated as a violation of FIFRA section 12(a)(1)(B) unless the registered pesticide's labeling specifically prohibits that use.

EPA has reconsidered its policy on FIFRA section 12(a)(1)(B) with respect to certain claims made for uses not on the labeling. This notice informs the public that a person with financial interest in the use of an antimicrobial pesticide product, targeted against human pathogens, may not make any claims for the product which differ from those on the product's approved labeling. This policy does not affect the applicability of the October 1981 policy to any pesticides other than those specified in this notice.

The Agency believes that efficacy claims for antimicrobial products that are not supported by efficacy data submitted in conjunction with that pesticide's registration may foster a false sense of security among health care professionals relying on that product. Additionally, since the presence of the target microorganism cannot be readily discerned by users, the users cannot easily judge for themselves the effectiveness of that product (see 40 CFR 162.163). Therefore, claims made for antimicrobial products which substantially differ from those made in conjunction with registration could pose a serious public health threat.

Since pesticides intended for use against microorganisms are now excluded from the October 1981 policy, the Agency will take appropriate enforcement action, pursuant to FIFRA, against any person who distributes, sells, offers for sale, holds for sale, ships, delivers for shipment, or receives and (having so received) delivers or offers to deliver any antimicrobial pesticide if any claims made for it as part of its distribution or sale, substantially differ from those made in conjunction with its registration. Additionally, any person who recommends a FIFRA section 2(ee) use for an antimicrobial pesticide remains liable for possible civil damages arising out of his own negligence.

II. Background

EPA is currently concerned about unwarranted claims for antimicrobial pesticides used against human pathogens, especially against hepatitis-B virus (HBV), the causative agent of serum hepatitis, and human T-lymphotropic virus type III/lymphadenopathy-associated virus (HTLV-III/LAV), the apparent etiologic agent for acquired immune deficiency syndrome (AIDS). Most of the inquiries EPA has received concerning control of HBV and HTLV-III/LAV pertain to sterilizer and disinfectant products. Sterilizers are antimicrobial products "... intended to destroy viruses and all living bacteria, fungi and their spores, on inanimate surfaces" (40 CFR 162.3(ff)(2)(i)(D)). Sterilization is an absolute term and denotes killing of all microorganisms, including the most resistant spore forms, against which these products are tested. Disinfectants are antimicrobial products "... intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects" (40 CFR 162.3(ff)(2)(i)(A)). In contrast to sterilizers, disinfectants are intended for effectiveness only against representative groups of vegetative bacteria and pathogenic fungi, and against specifically tested viruses. Some antimicrobial products are registered with label directions allowing use as a sterilizer if one treatment regimen is used (e.g., immersion for 10 hours) or as a disinfectant if a less stringent regimen is used (e.g., immersion for 10 minutes).

FIFRA section 3(c)(5)(A) states that the Administrator shall register a pesticide if he determines that "... its composition is such as to warrant the proposed claims for it." In addition, 40 CFR 158.160(b)(1), published in the *Federal Register* of November 13, 1985

(50 FR 46765), states that efficacy data are required to support all claims "... to control pest microorganisms that pose a threat to human health and whose presence cannot be readily observed by the user, including but not limited to, microorganisms infectious to man in any area of the inanimate environment." EPA requires the following data prior to registering a product with a virucidal label claim: (1) Demonstrated recovery of the infective form of the particular virus dried on an inanimate surface, and (2) availability and use of suitable assay methods to demonstrate absence of the dried virus after treatment of the surface with the antimicrobial product (Pesticide Assessment Guidelines, Subdivision G—Product Performance, Section 91-30 (d)(5), National Technical Information Service Order Number PB 83-153924).

To register a product with a label claim that the product can be used as a sterilizer, EPA requires data showing that the product is sporicidal. (Pesticide Assessment Guidelines, as above, Section 91-30(a)(1).) Since spores are the most resistant form of microorganism, no additional data are needed to support virucidal claims for products that are already registered as sterilizers. While HBV is a relatively well understood human pathogen, there are only limited experimental data concerning viral recovery and inactivation by disinfectants on hard surfaces. This is due to lack of a suitable assay method for determining whether the infective virus remains on hard surfaces after disinfection. To determine this, the experimenter must attempt to grow the virus in a host system.

The only known nonhuman host system is the chimpanzee, and chimpanzees are practically unavailable for such experiments. In 1983 the Centers for Disease Control (CDC) published findings of a clinical study in which five chimpanzees were injected with dried HBV-infected plasma treated with each of five different germicides (J. Clinical Microbiology, 18(3): 535-538, 1983). Though the chimpanzees did not show evidence of HBV infection after 9 months, these data are too limited to be conclusive. Therefore, the data are inadequate to demonstrate that disinfection provides adequate control against HBV contamination when sterilization may be the only effective control measure. This discrepancy in control procedures (i.e. disinfection rather than sterilization) could result in failure to reduce HBV contamination, thereby increasing public health risks.

The only known routes of transmission for AIDS virus, which was isolated and identified in 1984, are

through sexual contact, blood products, or from mother to newborn.

Transmission of AIDS via casual contact has not been demonstrated (New England Journal of Medicine, 314(6):344-349, 1986). Recently, data have become available which indicate that HTLV-III/LAV may be recovered after drying on inanimate surfaces for extended periods (Journal of the American Medical Association, 255:1887-1891, 1986). These findings advance the possibility that the virus may be transmitted via such surfaces. Given the insidious and fatal nature of AIDS, hospitals and other health-care facilities are seeking guidance on the effectiveness of antimicrobial chemicals in controlling the spread of HTLV-III/LAV. Researchers at both CDC (J. Infectious Diseases, 152(2):400-403, 1985) and the Pasteur Institute (Lancet, 2:899-901, 1984) have conducted studies demonstrating that certain chemicals effectively kill HTLV-III/LAV in liquid suspensions. The CDC issued a report to advise interested parties of their recommendations for preventing transmission of HTLV-III/LAV in the workplace (Morbidity and Mortality Weekly Report: 34(45):681-695, November 15, 1985). The report emphasizes that the recommendations for preventing transmission of AIDS are directed towards people who may be exposed to blood or body fluids from persons who may be infected with HTLV-III/LAV. The report provides certain broad recommendations for sterilizing or disinfecting inanimate surfaces or objects that have been in contact with blood or other body fluids of an AIDS patient.

If HTLV-III/LAV can be recovered from inanimate surfaces, it appears that an acceptable protocol can be developed to test the efficacy of antimicrobial products (Journal of Immunological Methods 76:171-183, 1985). However, since no acceptable protocol has been developed, and no data submitted, no claims have been accepted against AIDS virus for any product.

III. Summary

Given the available evidence and methodology concerning these viruses, EPA lacks sufficient basis to approve HBV or HTLV-III/LAV virucidal claims for any disinfectant product. This situation may change as research on the AIDS and HBV viruses continues and registrants develop acceptable protocols to demonstrate virus isolation and disinfectant product efficacy.

EPA will allow registrants to make HBV and HTLV-III/LAV virucidal claims for sterilizer products when used

in accordance with label directions for the sterilization procedure, and when approved in connection with the specific product registration.

Dated: May 16, 1986:

John A. Moore,
Assistant Administrator for Pesticides and
Toxic Substances.

[FR Doc. 86-11785 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 6F3335/R840; FRL-3019-6]

Pesticide Tolerance for Diclofop-Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide diclofop-methyl and its metabolites in or on the raw agricultural commodity pea seeds (dry). This regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the American Hoechst Corp.

EFFECTIVE DATE: Effective on May 28, 1986.

ADDRESS: Written objections, identified by the document control number [PP 6F3335/R840], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, room 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

By mail: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Environmental Protection Agency 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 237, CM No. 2, 1921 Jefferson Davis Highway Arlington, VA, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of February 19, 1986 (51 FR 6034), which announced that American Hoechst Corp., Agricultural Division, Rte. 202-206, North Somerville, NJ 08876, had filed pesticide petition 6F3335 to EPA proposing to amend 40 CFR 180.385 by establishing a tolerance for the combined residues of the herbicide diclofop-methyl (methyl 2-[4-(2,4-dichlorophenoxy)phenoxy]propanoate) and its metabolites 2-[4-(2,4-dichlorophenoxy)phenoxy]propanoic acid and 2-[4-(2,4-dichloro-5-hydroxyphenoxy)phenoxy]propanoic

acid, each expressed as diclofop-methyl, in or on the commodity pea seeds (dry) at 0.1 part per million (ppm).

No comments were received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerance include a rat oral median lethal dose (LD₅₀) study with an LD₅₀ of 557 to 580 milligrams per kilogram (mg/kg); a dominant lethal mutagenicity study, negative at 100 mg/kg/day (highest level tested); a micronucleus mutagenicity study, negative at 100 mg/kg/day (highest level tested); an Ames test, negative at 5.0 mg/plate (highest level tested); a mutagenicity study with *Schizosaccharomyces pombe*, negative; a gene conversion study in *Saccharomyces cerevisiae*, negative; and unscheduled DNA synthesis study, negative; a rat teratology study with a teratogenic no-observed-effect level (NOEL) of 100 ppm (highest dose tested) (equivalent to 5.0 mg/kg of body weight (bw)); a rabbit teratology study with a teratogenic NOEL of 3 mg/kg/day (highest dose tested) and a NOEL for fetotoxicity of 3.0 mg/kg/day; a 3-generation rat reproduction study with NOEL of 30.0 ppm (1.5 mg/kg of bw); a 2-year rat feeding/oncogenicity study with a NOEL of 20 ppm (1.0 mg/kg of bw) (highest level tested) and no oncogenic effects under the conditions of the study; a 2-year mouse feeding/oncogenicity study with a systemic NOEL of 2 ppm, (0.3 mg/kg of bw) and a significant increase in liver neoplasms in males at the highest dose tested, 20 ppm (3.0 mg/kg/day); and a 15-month dog feeding study with a NOEL of 8 ppm (0.2 mg/kg of bw).

The Agency has evaluated dietary exposure to diclofop-methyl residues for the commodity proposed. Assuming that 100 percent of the pea crop will have residues at the tolerance level (0.1 ppm), using a multi-stage model the "worst case" incremental dietary oncogenic risk is calculated to be 1 incidence in 100,000 (10⁻⁵). Actual risk will be less, since not all of the dry pea crop will be treated, and those crops treated and sold will have residues less than 0.1 ppm (the level of detection).

Based on the NOEL of 0.3 mg/kg in the chronic mouse-feeding study and a 100-fold safety factor, the acceptable daily intake (ADI) has been set at 0.003 mg/kg/day with a maximum permissible intake (MPI) of 0.18 mg/day for a 60-kg person. This tolerance and previously established tolerances result in a theoretical maximum residue concentration (TMRC) of 0.01815 mg/

day in a 1.5-kg diet and use 10.04 percent of the ADI.

The pesticide is considered useful for the purpose for which the tolerance is sought. The metabolism of the pesticide is adequately understood and an adequate analytical method, gas chromatography using an electron capture detector, is available for enforcement purposes. There is no expectation of secondary residues in meat, milk, poultry, and eggs. There are no regulatory actions pending against the continued registration of the pesticide. Based on the information cited above, the Agency has determined that the establishment of the tolerance will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 15, 1986.
Steven Schatzow,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:
Authority: 21 U.S.C. 346a.
2. Section 180.385 is amended by adding and alphabetically inserting the

commodity pea seeds (dry), to read as follows:

§ 180.385 Diclofop-methyl; tolerances for residues.

Commodities	Parts per million
Pea seeds (dry).....	0.1

[FR Doc. 86-11520 Filed 5-27-86; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 265

[SW-FRL-3022-2]

Hazardous Waste Management System; Final Codification Rule

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The Office of Solid Waste is making a technical correction to the Final Codification rule (FR Doc. 85-13094) that amended EPA's existing hazardous waste regulations to reflect those statutory provisions that have immediate or short-term effects on the regulated community. This correction removes the designation of "reserved" from the paragraph of the regulation under which bulk hazardous and containerized liquid wastes are prohibited from disposal in a landfill, and reinserts language requiring the use of the Paint Filter Liquids Test to determine whether free liquids are present in a waste that will be landfilled.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hazardous Waste Hotline, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (800) 424-9316 (382-3000 in Washington, D.C.). For specific information on this amendment, contact Paul Cassidy, Office of Solid Waste (WH-565E), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 382-4682.

SUPPLEMENTARY INFORMATION: In the **Federal Register** published on July 15, 1985 (FR Doc. 85-13094), at page 28750, § 265.314(d) was inadvertently reserved. This section was originally promulgated on April 30, 1985 (FR Doc. 85-10278), and stated that the Paint Filter Liquids Test is to be used to determine the absence

or presence of free liquids in either a bulk or a containerized waste. The reserving of paragraph (d), which presents the Paint Filter Liquids Test requirement, was unintentional and is now being corrected. The Paint Filter Liquids Test has been in effect continuously since June 14, 1985, and remains in effect.

The amendatory language in paragraph 50 on page 28750 of the *Federal Register* is corrected by removing the reference to paragraph (d). Paragraph (d) of § 265.314 remains as added at page 18374 in the *Federal Register* published on April 30, 1985, (FR Doc. 85-10278).

Dated: May 13, 1986.

J.W. McGraw,

Acting Assistant Administrator.

Accordingly, in the *Federal Register* of July 15, 1985, (FR Doc. 83-13094), on page 28750, second column, paragraph 50, is corrected by changing the comma after the word "respectively" to a period, and by removing the words "and paragraph (d) is reserved."

For the convenience of the user, the text of § 265.314(d) is reprinted as follows:

§ 265.314 *Special requirements for bulk and containerized liquids.*

(d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." [EPA Publication No. SW-846].

[FR Doc. 86-11928 Filed 5-27-86; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 435

[BERC-106-F]

Medicaid Program—Mental Retardation; Definition of "Persons With Related Conditions"

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: This rule amends a definition in Medicaid regulations concerning intermediate care facilities for the mentally retarded (ICF/MR) and persons with related conditions. The definition of "persons with related

conditions" contained in our regulations was tied to the definition of developmental disability included in the Developmental Disabilities Assistance and Bill of Rights Act (DDABRA) as amended in 1978. The DDABRA, as amended, however, also included the mentally ill within the definition of developmental disability. The prior cross-reference in our regulations to the DDABRA definition resulted in confusion about the kind of care covered by the ICF/MR benefit. To avoid misunderstandings in the future, this rule establishes an independent Medicaid definition of persons with conditions related to mental retardation.

EFFECTIVE DATE: June 27, 1986.

FOR FURTHER INFORMATION CONTACT:

Thomas Hoyer, (301) 594-9446.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1904 of the Social Security Act (Act) authorizes optional Medicaid coverage for services in intermediate care facilities (ICFs). ICFs are facilities that provide health-related care to individuals who do not need the degree of care commonly provided in hospitals or skilled nursing facilities, but who do require care and services, above the level of room and board, which can only be made available to them through institutional facilities. Section 1905(d) of the Act indicates that the term "intermediate care facility services" may include services in a public institution for the mentally retarded or "persons with related conditions" (ICF/MR). This statutory provision is reflected in current regulations at 42 CFR 435.1009 and 440.150.

Initial Medicaid regulations published in 1974 defined "persons with related conditions" by using a cross-reference to the definition of developmental disability in the Developmental Disabilities Services and Facilities Construction Act (DDSFCA), Pub. L. 91-517, enacted on October 30, 1970 (changed to the Developmental Disabilities Assistance and Bill of Rights Act in 1975, (DDABRA)). That definition of developmental disability used specific diagnoses to limit its scope to impairments closely related to mental retardation. The definition read "... a disability attributable to mental retardation, cerebral palsy, epilepsy, or another neurological condition of an individual found by the Secretary to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, whose disability originates before such individual attains age 18, which has continued or can be expected

to continue indefinitely, and which constitutes a substantial handicap to such individual."

Since 1970, the DDABRA definition of developmental disability has been amended twice. In 1975, Pub. L. 94-103 amended the definition to:

(1) Add autism to the list of specific conditions; dyslexia resulting from a disability otherwise specified in the definition was also added;

(2) Expand the reference to "other neurological conditions" to cover any conditions closely related to mental retardation by virtue of a similar impairment or a requirement for similar treatment; and

(3) Relate "substantial handicap" to the ability to function normally in society.

On October 1, 1978, an amendment to DDABRA, Pub. L. 95-602 revised the definition of developmental disability even further to read as follows:

"The term 'developmental disability' means a severe, chronic disability of a person which—

(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) Is manifested before the person attains age 22;

(3) Is likely to continue indefinitely;

(4) Results in substantial functional limitations in three or more of the following areas of major life activity:

(a) Self-care.

(b) Receptive and expressive language.

(c) Learning.

(d) Mobility.

(e) Self-direction.

(f) Capacity for independent living.

(g) Economic self-sufficiency.

(5) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated."

This last amendment changed the focus of the definition from a categorical to a functional one. Thus, the definition no longer listed specific diagnoses that previously had been used to limit the definition to those impairments closely resembling mental retardation, but included any person with a mental or physical impairment that limits the person's functional ability in certain activities. Furthermore, the age by which a condition must manifest itself was changed from 18 to 22.

In 1974, Medicaid regulations were promulgated to implement the ICF/MR benefit under Medicaid. The DDABRA (then, DDSFCA) definition of "developmental disability" was adopted

for the Medicaid definition of "persons with related conditions" because it seemed to be an appropriate and convenient means of defining the term. However, when all existing Medicaid regulations were recodified, effective October 1, 1978, as part of the Department's initiative to rewrite regulations in a clear, concise, easily understandable format, the cross-reference to DDABRA inadvertently included the words "as amended" after the phrase "Pub. L. 91-517 enacted on 10/30/70".

The 1978 regulations intended to make "no substantive change" to prior Medicaid regulations. However, the cross-reference to the DDABRA arguably produced the unintended result of incorporating into Medicaid regulations the revision to the definition of the developmentally disabled created by the 1978 amendments to the DDABRA. This arguably resulted in an unintended substantive policy change in the recodified regulations that, in effect, appeared to broaden the Medicaid ICF/MR benefit to include coverage of facilities serving persons with mental or physical impairments that limit functional ability in certain activities.

Coverage of care provided in facilities for the mentally ill is addressed under the Medicaid statute at section 1905(a)(14) and 1905(a)(16) of the Social Security Act. These provisions, respectively, allow Medicaid coverage "for individuals 65 years of age or over in an institution for tuberculosis or mental disease" and "for individuals under 21 years of age" in psychiatric facilities. In the paragraph following section 1905(a)(18), with the exception of individuals under 21 in psychiatric facilities, the statute clearly excludes Medicaid coverage for "any individual who has not attained 65 years of age and who is a patient in an institution for tuberculosis or mental disease." Therefore, the statute limits Medicaid coverage of inpatient psychiatric care to individuals within specified age groups in specified inpatient settings. Since these restrictions do not apply to ICFs/MR, it follows that Medicaid was not intended to include institutions for mental diseases as ICFs/MR. This conclusion is reinforced by the language in section 1905(c), which specifically excludes services in an institution for mental diseases or mental defects from the definition of intermediate care facility services. Furthermore, the definition of intermediate care facility services for the mentally retarded in section 1905(d) of the Act does not include services in an institution for mental diseases.

The DDABRA definition, as amended by Pub. L. 95-602, caused confusion about the kind of care covered under the ICF/MR benefit. Therefore, HCFA proposed amendments to 42 CFR 435.1009 (48 FR 7593, February 23, 1983) to set forth a new definition of "persons with related conditions". This definition combines many of the features of the 1975 developmental disability definition in the DDABRA with elements of the 1978 definition. In addition, this definition of "related conditions" was designed to:

- (1) Be consistent with statutory provisions of the Medicaid program;
- (2) Be independent of the DDABRA definition of developmental disability;
- (3) Delineate specific diagnoses that for this purpose, we consider related to mental retardation; and
- (4) Exclude mental illness.

Comments received on our February 1983 proposal and our responses to those comments are discussed in section III of this document.

II. Provisions of the Final Rules

These final regulations change our proposed language for the Medicaid definition of "persons with related conditions" by excluding autism and changing the word "or" to "and" in the description of a disability attributable to "any other condition" (§ 435.1009(a)(2) and paragraph (1)(b) below). An explanation of these changes is provided later in this preamble. Thus "persons with related conditions" is defined as persons who have a severe, chronic disability that meets all of the following conditions:

- (1) The disability is attributable to—
 - (a) Cerebral palsy, epilepsy, or
 - (b) Any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons.
- (2) It is manifested before the person reaches age 22.
- (3) It is likely to continue indefinitely.
- (4) It results in substantial functional limitations in three or more of the following areas of major life activity:
 - (a) Self-care.
 - (b) Understanding and use of language.
 - (c) Learning.
 - (d) Mobility.
 - (e) Self-direction.
 - (f) Capacity for independent living.

This definition combines some of the specific diagnoses from the 1975 amendments (cerebral palsy and

epilepsy) with the requirement for functional limitations and other provisions contained in the 1978 amendment to the DDABRA. The new definition delineates diagnoses that are considered closely related to mental retardation, while indicating that these conditions must be severe enough to limit the individual's ability to function normally. By combining the major provisions of the two previous definitions, we avoid the vagueness and excessively broad scope of the 1978 approach and also provide a basis for distinguishing among individuals in the diagnostic categories in terms of functional disability.

This definition encompasses individuals with severe physical impairments associated with disorders such as spina bifida and muscular dystrophy, or those with multiple handicaps such as deaf-blindness or severe learning disabilities. Under this definition, individuals who are dually handicapped, that is, individuals who are mentally retarded or have a related condition and who are also mentally ill, and meet the other criteria in the definition, may be appropriately cared for in an ICF/MR. Finally, the provision on substantial functional impairments in three or more major life activities will facilitate application of the definition by reinforcing the concept that individuals with "related conditions" are chronically and substantially disabled by those conditions that have a significant impact on their ability to function normally in society.

III. Public Comments

Our proposed rule published on February 23, 1983 sought comments on the detailed provisions of the new definition. Approximately 60 comments were received from Members of Congress, State agencies, professional organizations, Medicaid providers and other interested individuals. The majority of comments received voiced opposition to the proposed regulations on the basis that the mentally ill should not be excluded from the definition. The remaining comments supported the proposed definition and requested clarifications of specific aspects of the regulation. All comments were considered in drafting this final regulation.

1. General Comments

Comment: Many respondents questioned the reason for the delay in correcting the error that resulted in the use of the current DDABRA definition of developmental disability under Medicaid.

Response: The potential for misunderstanding in this area was not immediately evident at the time, given the clear language in the statute concerning funding for institutions for mental diseases. Once the effect of the 1978 amendment to the DDABRA definition was assessed, HCFA began drafting a technical revision to correct the error. Upon consideration, we determined that a new definition of "persons with related conditions" was needed specifically for the Medicaid program and that public comment on such a definition was appropriate. Prior to publishing the proposed definition, HCFA met with representatives from the Administration on Developmental Disabilities and the National Institute for Mental Health to obtain advice on a Medicaid definition of "related conditions" and its relationship to Medicaid benefits for the mentally ill and programs under the aegis of the DDABRA. Careful consideration of the advice from these sources delayed issuance of the proposed regulation and the solicitation of public comment.

Comment: Two commenters indicated that the discussion in the preamble of the proposed rule did not adequately justify the reason for the new definition.

Response: We disagree and believe that sufficient justification for the definition was provided in the preamble of the NPRM. However, we have supplied additional explanation and discussion in this preamble.

Comment: A hospital program director stated that because 5 years have passed since the DDABRA definition of developmental disability changed, HCFA has set a precedent for covering the mentally ill under the ICF/MR provision and cannot exclude them now.

Response: As detailed earlier in this preamble under the background discussion, the Medicaid statute places specific limits on coverage of care of the mentally ill to specified age groups and certain institutions. The Department cannot override the statutory restrictions when issuing program regulations; thus, HCFA's action or inaction cannot change that authority. HCFA is issuing the new definition of "persons with related conditions" to avoid future misunderstandings.

Comment: Two commenters indicated that 30 days was an insufficient amount of time to research the effect of the proposed definition. Another respondent requested that the comment period be extended 60 days.

Response: Commenters had 30 days after publication of our proposal to submit their comments. We do not agree that additional time for extensive research was needed because, as we

fully explained, these regulations reflect statutory intent. Additionally, States are currently implementing this provision.

Comment: One Congressman asked that we delay final action regarding the proposed definition until a policy and economic analysis can be conducted.

Response: A policy and economic analysis is conducted on all proposed regulations as required by section 1(b) of Executive Order 12291 and 5 U.S.C. 605(b). The results of the analysis were presented in the NPRM, and we believe additional analysis is not required.

2. Programmatic Effects of the Definition

Comment: The majority of commenters opposed the proposed regulations on the grounds that they will exclude mentally ill individuals from the definition of "persons with related conditions". They believe that this will result in the elimination of Medicaid coverage for children and adolescents who are emotionally disturbed or have other psychiatric conditions. One particular State had many respondents, including Members of Congress who were concerned that they would be unable to place or serve numerous children with chronic emotional/psychiatric disorders and that a significant amount of Federal funds would be lost upon adoption of the proposed definition.

Response: These comments reflect confusion about the settings for the services which Medicaid covers and the purpose of this rule. The term being defined, "persons with related conditions", is part of the Medicaid provision for intermediate care facility services for the mentally retarded and persons with related conditions (ICFs/MR) in section 1905(d) of the Act. As discussed earlier, coverage for inpatient psychiatric care for individuals under 21 is provided for under a separate provision. For this reason, we proposed to clarify this definition of "persons with related conditions" to prevent any confusion.

Comment: Two representatives from a private non-profit provider of residential and other services to mentally retarded and emotionally disturbed persons commented that emotionally disturbed individuals have substantial limitations in major life activities and benefit from training and habilitation programs. They added that these individuals are not in need of hospital or skilled nursing care, but rather ICF/MR services.

Response: We agree that emotionally disabled persons can benefit from individually developed care plans but do not support the contention that emotionally disturbed individuals, who

may have average or above average intelligence, generally should be placed in facilities which are designed for mentally retarded persons. Emotionally disturbed individuals who need institutionalization are usually best treated in a licensed psychiatric facility at the level of care (i.e. hospital, SNF or ICF) appropriate to their illness, rather than in a facility designed primarily for the care of mentally retarded persons. Also it is clear from the statutory limitations on funding of services in institutions for mental diseases, that Congress did not intend that services provided in those institutions be funded under the ICF/MR coverage provision.

Comment: Two respondents stated that the proposed definition discriminates against the mentally ill as a class while including individuals with cerebral palsy, epilepsy, autism, spina bifida, muscular dystrophy, deaf-blindness and severe learning disabilities.

Response: We do not believe that the proposed definition is discriminatory. Rather, as mentioned earlier, the Department cannot override statutory limitations. We think that this definition accurately implements statutory provisions (such as the definition of intermediate care facility services for the mentally retarded in section 1905(d) of the Act) and encourages treatment in appropriate settings. We chose to list two specific conditions as examples of "related conditions". It is important to note that this provision is applicable only to the definition of "intermediate care facility services for the mentally retarded or persons with related conditions" also defined in 42 CFR 435.1009 and 440.150(c). And, as discussed earlier, ICF/MR services may not include treatment of individuals who have a condition of mental illness only.

Comment: One official from a State human services department asserted that the proposed definition would reduce the number of individuals eligible to receive home and community-based services since they have already included the emotionally disturbed individuals being served by their ICFs/MR under a home and community-based waiver. Therefore, the commenter asserts that we are violating the intent of section 2176 of Pub. L. 97-35 (the Omnibus Budget Reconciliation Act of 1981).

Response: Section 2176 enacted section 1915(c) of the Act. The intent of Section 2176 is to offer home and community-based services as an alternative to nursing home care which otherwise would have been reimbursed under the State Medicaid Plan. The new

definition of "persons with related conditions" will not interfere with a State's option to seek approval of a waiver to provide home and community-based services for the mentally retarded or persons with related conditions, or the mentally ill if they otherwise would have required ICF or SNF level of care and the Medicaid program properly would have paid for that care. Regulations implementing Section 1915(c) are set forth in 42 CFR Part 441, Subpart G.

Comment: Several respondents questioned the effect of the new definition on an individual who has been determined to be mentally ill and has a "related condition" such as cerebral palsy.

Response: This question concerns the status of dually handicapped persons and the purpose of the regulations. Individuals who are mentally retarded or have a "related condition," as indicated in the definition, and are also mentally ill, may be appropriately served in an ICF/MR when it is determined, in individual cases, that care provided in a psychiatric facility is unnecessary or inappropriate. However, as discussed earlier, a facility designed primarily to serve mentally ill persons is not appropriately classified as a Medicaid ICF/MR.

Comment: One commenter questioned the effect of the definition on the ICF/MR service population. Specifically, the commenter questioned whether the definition would expand Medicaid ICF/MR coverage to a category of individuals neither intellectually nor behaviorally impaired but who need similar services.

Response: Although our initial intent was to avoid excluding any category of individuals that might appropriately be cared for in ICFs/MR, this commenter has indicated some confusion may result from this part of the definition and thus we have changed the wording in 42 CFR 435.1009(a)(2). We believe that all conditions which would be appropriate for ICFs/MR will be covered in the revised language. Section 435.1009(a)(2) now reads as follows: "... Any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons."

3. Financial and Administrative Effects of the Definition

Comment: Two respondents concluded that the proposed definition

would result in increased costs to Medicaid because many emotionally disturbed children and adolescents would be placed in psychiatric hospitals which are more restrictive and expensive than ICFs/MR.

Response: The Medicaid inpatient benefit for children with chronic emotional/psychiatric disorders is specified in current regulations at 42 CFR Part 441, Subpart D. Since this optional benefit may be provided in various levels of psychiatric facilities accredited by the Joint Commission on Accreditation of Hospitals (JCAH), costs need not be increased.

Comment: Two commenters questioned whether HCFA has considered the financial impact of changing the definition on States which are planning to or have already implemented the 1978 definition.

Response: Based on information obtained through HCFA regional offices, only one State changed its Medicaid program to adopt the 1978 definition. As discussed in response to the previous comment, this definition of "persons with related conditions" will facilitate more appropriate placement of individuals in need of inpatient services.

Comment: One State cited the lack of a HCFA definition for mental retardation and the possible conflict with various States using different professionally developed definitions. One commenter stated that most professionally developed definitions of mental retardation require the presence of significant impairments in both intellectual functioning and adaptive behavior and suggested that HCFA's definition of persons with related conditions should be consistent with this requirement.

Response: We are reviewing the state-of-the-art in the field of developmental disabilities in relation to defining mental retardation. If we find that it is warranted, we will publish such a proposed definition for comment in a notice of proposed rulemaking. For purposes of defining "persons with related conditions", we believe that the requirement of a significant impairment in both intellectual functioning and adaptive behavior would be too restrictive because the related condition may not affect the individual's intellectual ability.

Comment: Two commenters questioned how HCFA will ensure compliance with the new definition generally, and also under approved Medicaid waivers for home and community-based services.

Response: Although the administration of all aspects of a State's Medicaid plan is the responsibility of

the State's Medicaid agency, enforcement of this definition is the responsibility of each State's survey agency in the first instance. The survey agency is responsible for determining whether the facilities under its purview are appropriately certified. Once the facility is correctly certified, on-going reviews are conducted by the State's Medicaid agency to ascertain medical and treatment needs for the disabled individuals being served by these facilities.

In addition, as changes in the statutes, regulations, policies or procedures occur, each HCFA regional office is given specific instruction by HCFA central office for monitoring State implementation of such changes. These instructions are transmitted on an annual basis through State Assessment Target Review Guides. In this instance once the final regulation is issued, monitoring State implementation of the new definition will become part of the target areas for review of the State assessment process. With regard to Medicaid waivers for home and community-based services (under section 1915(c) of the Act), HCFA regional offices have special instructions for monitoring States' implementation and proper operation of home and community-based services programs through the annual State assessment process.

4. Provisions of the New Definition

Comment: The National Mental Health Association stated that it is a serious regression to emphasize specific diagnoses over functional limitations. They believe this practice is contrary to good judgment and ignores the findings of the House Conference Report (No. 95-1780) recommendations which preceded the 1978 DDABRA amendments.

Response: The House Conference Report addressed the disability amendments, not the Medicaid program; however, the new definition incorporates those functional limitations contained in the current DDABRA definition that are appropriate for the Medicaid program. The two specific diagnoses merely present examples of conditions which we believe are similar to mental retardation.

Comment: One respondent suggested that inserting "mental or physical" before the first "other" at the beginning of the sentence, would strengthen the meaning of the regulation text at 42 CFR 435.1009(a)(2) which reads "... Any other condition, other than mental illness, found to be closely related to mental retardation"

Response: We do not agree and have not adopted this suggestion. We do not believe that this addition would strengthen the statement but rather would create additional confusion. The reason for the exclusion of mental illness from this definition is the statutory restriction related to payment for services in institutions for mental diseases. There is no comparable restriction relating to other types of illnesses.

Comment: One hospital program director asserted that including individuals with autism, which is categorized as a mental illness, directly conflicts with the decision to exclude other mental illnesses from the definition.

Response: We had planned to continue to include autism as a related condition because it has been specifically identified in the developmental disability definition since the 1975 amendments. Since it is classified as a mental illness, however, we have deleted this specific diagnosis from the final regulations. Despite this approach, many autistic individuals are functionally retarded and may require the services provided by an ICF/MR to treat them. These individuals may continue to be cared for in this setting since such care is appropriate for them.

Comment: The National Mental Health Association indicated that economic self-sufficiency should be included as a criterion because it is a substantial functional limitation and should be one of the factors in determining those individuals who may need and should be eligible for care in ICFs/MR.

Response: Although both programs are geared toward providing services which assist an individual in reaching the maximum level of functioning, the Medicaid definition of persons with related conditions is applicable only to the services provided by an ICF/MR whereas the DDABRA and its definition of developmental disabilities is applicable to a host of other categories of service such as education, vocational rehabilitation, and alternative community living arrangements, in which economic sufficiency is generally an integral part of the service system. Based on the need for which an ICF/MR is designed (health-related care in an institutional setting), we do not believe economic self-sufficiency is an appropriate criterion for defining ICF/MR services. Moreover, all Medicaid recipients have, by definition, economic difficulties that make them unable to meet their medical costs without assistance.

IV. Impact Analysis

We have determined that this final rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this rule would not have an annual effect on the economy of \$100 million or more; or result in a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or import markets.

This final rule corrects a regulation drafting error which unintentionally appeared to cross-reference the 1978 DDABRA definition of developmental disability for use in defining persons with related conditions. The new definition of this term reflects in regulations the policies States now generally follow in connection with ICF/MR benefits. The rule will, therefore, have little, if any, fiscal impact on program operations and does not meet the criteria for a major rule under Executive Order 12291.

For these reasons, the Secretary also certifies, pursuant to section 605(b) of title 5, United States Code, enacted by the Regulatory Flexibility Act (Pub. L. 96-354) that the regulations will not have a significant economic impact on a substantial number of small entities.

Recordkeeping and Reporting Requirements

This final rule does not contain information collection requirements. Therefore, a review by the Office of Management and Budget (OMB) as specified under section 3504(h) of the Paperwork Reduction Act of 1980 is not necessary.

List of Subjects in 42 CFR Part 435

Aid to families with dependent children, Grant programs—health, Medicaid, Supplemental Security Income (SSI).

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

42 CFR Part 435 is amended as set forth below:

The authority citation for Part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Section 435.1009 is amended by revising the definition of "Persons with related conditions" to read as follows:

§ 435.1009 Definitions relating to institutional status.

* * * * *

"Persons with related conditions" means individuals who have a severe, chronic disability that meets all of the following conditions:

- (a) It is attributable to—
 - (1) Cerebral palsy or epilepsy; or
 - (2) Any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons.
- (b) It is manifested before the person reaches age 22.
- (c) It is likely to continue indefinitely.
- (d) It results in substantial functional limitations in three or more of the following areas of major life activity:
 - (1) Self-care.
 - (2) Understanding and use of language.
 - (3) Learning.
 - (4) Mobility.
 - (5) Self-direction.
 - (6) Capacity for independent living.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: March 25, 1986.

Henry R. Desmarais,
Acting Administrator, Health Care Financing Administration.

Approved: April 29, 1986.

Otis R. Bowen,
Secretary.

[FR Doc. 86-11725 Filed 5-27-86; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT:

John L. Matticks, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the

proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The modified base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
CALIFORNIA	
Camarillo (City) Ventura County (FEMA Docket No. 6614)	
Beardsley Wash: At upstream side of Drop Structure	*183
Calleguas Creek: At centerline of Mission Oaks Boulevard	*143
Camarillo Hills Drain: At centerline of Rosewood Avenue	*114
Concho Creek: At centerline of U.S. Highway 101 eastbound	*115
Las Posas Estates Drain: At western corporate limit	*110
Maps available for inspection at Department of Engineering Services, 601 Carmen Drive, Camarillo, California.	
Moorpark (City), Ventura County (FEMA Docket No. 6649)	
Arroyo Simi: 50 feet upstream from the center of New Los Angeles Avenue	*527
Peach Hills Wash: 80 feet upstream from the center of Beltramo Ranch Road	*477
Maps available for inspection at Public Works Department, 799 Moorpark Avenue, Moorpark, California.	
San Buenaventura (City), Ventura County (FEMA Docket No. 6625)	
Santa Clara River: 700 feet south along Ventura Road from the intersection with the Southern Pacific Railroad	*64
Ventura River: 50 feet upstream from the centerline of West Main Street	*21
Harmon Barranca: Centerline of Bristol Road	*138
Brown Barranca: 50 feet upstream from the centerline of Telegraph Road	*241
Intersection of Santa Paula Freeway (State Highway 126) and South Wells Road	*185
Intersection of Pajaro Avenue and Citrus Drive	*180
Intersection of North Wells Road and Citrus Drive	#1
Mills Road Drain: Intersection of Sidonia Avenue and Rexford Street	#1
Intersection of Lemon Grove Avenue and Channel Drive	*66
Barlow Barranca: Intersection of East Main Street and Interchange Ramp for Santa Paula Freeway (State Highway 126)	#1
Pacific Ocean: At mouth of Ventura River	#9
At Ventura Marina	#6
Maps available at the Office of the Chief Engineer, 501 Poli Street, San Buenaventura, California.	
COLORADO	
Jefferson County (Unincorporated Areas) (FEMA Docket No. 6650)	
Bear Creek (Below Mt. Carbon Dam): 800 feet north of the intersection of South Oak Court and Bear Creek Drive	*5,455

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Bear Creek (at Morrison): 100 feet upstream from center of Soda Lake Road	*5,734
Bear Creek (at Idledale): On Miller Lane, 150 feet northwest of its intersection with Bear Creek Road	*6,413
Bear Creek (Kittredge to Evergreen): At the intersection of Avenue D and Creek Court	*6,822
On Upper Bear Creek Road, 200 feet south of its intersection with Meadow Drive	#2
Bear Creek (above Evergreen Lake): 50 feet upstream from center of Upper Bear Creek Road	*7,410
Bear Creek Tributary Number 1: At the intersection of Fireweed and Meadow Drive	*7,090
40 feet east of the centerline of Meadow Drive, 575 feet southeast of its intersection with Iris Drive	#2
Bear Creek Tributary Number 2: 20 feet upstream from center of Independence Trail	*7,020
Bear Creek Tributary Number 3: 50 feet upstream from center of Dedisse Park Road	*7,196
On Scenic Drive, 100 feet west of the intersection with State Highway 74	#2
Bear Creek Tributary Number 5: 150 feet upstream from Ward Canal crossing	*5,680
Bear Creek Tributary Number 6: 25 feet upstream from center of State Highway 8 (Morrison Road)	*5,487
Bergen Creek: Intersection of Aspen Lane and Lewis Ridge Road	*7,314
Big Dry Creek: Intersection of creek and center of Indiana Street	*5,609
Buffalo Creek: Intersection of creek and center of South Decker Road	*6,852
Clear Creek: 50 feet upstream from center of McIntyre Street	*5,528
Cold Spring Gulch: 100 feet upstream from center of Bear Creek Road	*6,661
Coon Creek: Intersection of creek and center of South Kipling Street	*5,632
Cub Creek: Intersection of creek and center of Stranksy Road	*7,985
Deer Creek: 50 feet upstream from center of Grizzly Drive	*5,863
Dutch Creek: Intersection of West Weaver Drive and South Eaton Court	*5,420
Intersection of South Webster Street and West Coal Mine Road	#3
Elk Creek (at Pine): 50 feet upstream from center of South Deckers Road	*6,729
Elk Creek (at Sphinx Park): On South Elk Creek Road, approximately 5,200 feet north of its intersection with Pine Street	*6,967
Jackson Gulch: Intersection of creek and center of County Highway 93	*6,120
Kenneys Run: On 12th Street, approximately 700 feet northeast of its intersection with Ford Street	*5,651
Kerr Gulch: 180 feet upstream from center of Wheler Road	*7,320
Lena Gulch: Intersection of D and E Streets	*5,895
Intersection of Denver West Boulevard and Interstate Highway 70	#1
Lena Gulch Tributary: 50 feet upstream from center of Orchard Street	*5,804
On West 14th Place, 250 feet north of its intersection with West 14th Avenue	#1
Leyden Creek: 170 feet upstream from center of 75th Place	*5,469
Intersection of West 75th Place and Alkire Street	#1
Lilley Gulch: Intersection of creek and center of West Peakview Drive	*5,514
200 feet west from center of South Wadsworth Boulevard, 950 feet north of its intersection with West Peakview Drive	#2
Little Cub Creek: 30 feet upstream from center of Silver Spruce Lane	*7,090
Massey Draw Tributary: 100 feet upstream from center of South Garrison Street	*5,635
Mount Vernon Creek: 100 feet upstream from center of Red Rocks Park Access Road	*6,101
Myers Gulch: At Center Drive as it crosses stream	*6,829

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
North Branch Coon Creek: Intersection of creek and center of South Miller Street.....	*5,670	Maps available for inspection at the Zoning and Public Works Department, 211 East D Street, Pueblo, Colorado.		Approximately 1,000 feet upstream of Hollet Street.....	*9
Intersection of South Kipling Street and West Montgomery Avenue.....	#1	MASSACHUSETTS		The Gulf: Approximately 750 feet north of Intersection of Wood Island Road and Gardner Road.....	*11
North Fork South Platte River: Intersection of river and center of Jefferson Street.....	*6,731	Cohasset (Town), Norfolk County (FEMA Docket No. 6648)		Approximately 500 feet downstream of Mordecai Lincoln Road.....	*8
North Turkey Creek: Intersection of North Turkey Creek and Malamute Drive.....	*7,695	Massachusetts Bay: Shoreline at Deep Run (extended).....	*26	Bound Brook: Upstream side of Mordecai Lincoln Road.....	*15
Parmalee Gulch: Intersection of creek and center of Santa Clara Road.....	*6,813	Entire shoreline of Sandy Cove.....	*16	Upstream side of Country Way.....	*19
Pine Gulch: 50 feet upstream from center of County Highway 126.....	*6,794	At intersection of Nichols Road and Atlantic Avenue.....	*11	At upstream corporate limits.....	*31
Rooney Gulch: Intersection of creek and center of Old Morrison Road.....	*5,642	Shallow Flooding: Areas of sheetflow along Massachusetts Bay.....	#1 & #2	Salut Brook: Approximately 1,000 feet upstream of Front Street.....	*11
Rooney Gulch Spillway: Approximately 150 feet east from center of Rooney Road, at a point 875 feet south of the intersection with West Alameda Parkway.....	*5,905	The Gulf: Shoreline approximately 400 feet south of River Road (extended).....	*8	At downstream side of Stockbridge Road.....	*21
Sand Draw: Intersection of creek and center of Sherman Road.....	*6,727	Western shoreline of Government Island south of Border Street.....	*11	At downstream side of Beaver Dam Road.....	*25
Sawmill Gulch: At the intersection of creek and center of South Grapevine Road.....	*6,861	Straits Pond: Entire shoreline within community.....	*9	At upstream side of Abandoned Railroad Culvert.....	*34
SJCD 6100: Intersection of creek and center of Kendall Boulevard.....	*5,482	Walnut Hill Stream: Approximately 400 feet downstream of Main Street.....	*8	First Herring Brook: Approximately 50 feet upstream of The Driftway.....	*11
SJCD 6200: Intersection of creek and center of South Pierce Street.....	*5,484	Approximately 100 feet upstream of Beechwood Street.....	*32	Approximately 50 feet downstream of State Route 3A.....	*43
SJCD 6200 North Tributary: South Kendall Boulevard.....	*5,487	Rattlesnake Run: At confluence with Straits Pond.....	*9	Approximately 150 feet upstream of Grove Street.....	*65
Intersection of West Cary Avenue and South Ames Way.....	#1	Approximately 460 feet upstream of Jerusalem Road.....	*15	At upstream corporate limits.....	*67
South Platte River: Intersection of river and center of County Highway 126.....	*6,399	Turkey Hill Run: Downstream corporate limits.....	*18	Maps available for inspection at the Town Engineering Department, Town Hall, Route 3A, Scituate, Massachusetts.	
Swede Gulch: 70 feet upstream from center of Ken Gulch Road.....	*7,038	Upstream corporate limits.....	*36	NEW JERSEY	
Switzer Gulch: On South Deer Creek Canyon Road, 450 feet north of its intersection with Homewood Park Avenue.....	*6,897	James Brook: Upstream side of Smith Place.....	*11	Lincoln Park (Borough), Morris County (FEMA Docket No. 6658)	
Troublesome Creek: 50 feet upstream from center of State Highway 74.....	*7,704	Approximately 10 feet downstream of Sohler Street.....	*14	Passaic River: At downstream corporate limits.....	*173
Turkey Creek (above Bear Creek Lake): 100 feet upstream from center of Soda Lake Road.....	*5,740	Lily Pond Stream: At confluence with Lily Pond.....	*45	At upstream corporate limits.....	*173
Turkey Creek (at Tiny Town): Intersection of South Turkey Creek Road and Ross Road.....	*6,831	Approximately 1,058 feet upstream of Tupelo Road.....	*63	Pompton River: At confluence with Passaic River.....	*173
Van Bibber Creek: Intersection of creek and center of Foothills Road.....	*5,877	Bound Brook: At downstream corporate limits.....	*32	Upstream side of CONRAIL bridge.....	*178
100 feet west of Ulysses Street, 600 feet south of its intersection with West 60th Avenue.....	#1	Richardsons Brook: Approximately 1,000 feet upstream of Jerusalem Road.....	*11	At upstream corporate limits.....	*181
Van Bibber Creek Tributary: 50 feet upstream from center of Ulysses Street.....	*5,688	Maps available for inspection at the office of Christine Bassett, Chairman of the Planning Board, Town Hall, Cohasset, Massachusetts.		Beaver Dam Brook: At downstream corporate limits.....	*180
Weaver Creek: Intersection of creek and center of South Simms Street.....	*5,620	Scituate (Town), Plymouth County (FEMA Docket No. 6676)		At upstream corporate limits.....	*180
Intersection of West Quincy Avenue and South Simms Street.....	#1	Massachusetts Bay: At intersection of Spaulding Avenue and Otis Street.....	*10	West Ditch: At confluence with Beaver Dam Brook.....	*180
Wilmot Creek: Intersection of creek and center of High School Entrance Road.....	*7,196	At intersection of Egypt Avenue and Priscilla Avenue.....	*13	Upstream side of Square Place bridge.....	*189
Wilmot Creek Tributary: 30 feet upstream from center of Hazel Road.....	*7,313	Shoreline at Carver Avenue (extended).....	*18	At upstream corporate limits.....	*192
Maps available for inspection at Planning Department, 1700 Arapahoe Street, Golden, Colorado.		Shoreline at east end of Prospect Avenue (extended).....	*25	East Ditch: At confluence with Beaver Dam Brook.....	*180
Pueblo (City), Pueblo County (FEMA Docket No. 6649)		Shoreline east of intersection of Parker Avenue and Collier Road.....	*35	At upstream corporate limits.....	*180
Arkansas River: 50 feet downstream from the center of Interstate Highway 25 (U.S. Highways 85 and 87).....	*4,648	Dune areas along Massachusetts Bay Shoreline.....	#1 & #2	Maps available for inspection at the Lincoln Park Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey.	
Fountain Creek: 20 feet upstream from the center of the Atchison, Topeka & Santa Fe Railway.....	*4,660	500 feet southwest of intersection of Ocean Side Drive and 8th Avenue.....	*13	Wayne (Township), Passaic County (FEMA Docket No. 6658)	
30 feet downstream from the center of State Highway 47.....	*4,737	North River: Shoreline 100 feet east of State Route 3A.....	*10	Passaic River: At downstream corporate limits.....	*137
Intersection of 3rd Street and Grand Avenue.....	*4,661	Approximately 0.5 mile south of intersection of Collier Road and Brown Road.....	*16	At upstream face of Beaties Dam.....	*166
Intersection of Fountain Avenue.....	#1	South River: Approximately 1,500 feet west of intersection of Silver Road and Central Avenue.....	*12	At upstream face of State Route 23.....	*170
Fountain Creek East Bank Overflow: Intersection of Fountain Avenue and 7th Street.....	*4,682	At intersection of Central Avenue and Cliff Road.....	*10	At upstream corporate limits.....	*173
University Park Tributary: 20 feet upstream from the center of Jerry Murphy Road.....	*4,760	Herring River: Approximately 1,000 feet south of intersection of The Driftway and Old Driftway.....	*12	Pompton River: At confluence with Passaic River.....	*173
Wild Horse-Dry Creek: 20 feet upstream from the center of 18th Street.....	*4,703	Approximately 900 feet southwest of intersection of Cliff Avenue and Moorland Road.....	*16	At upstream face of State Route 23.....	*183
Lake Minnequa: Center of Lakeshore Avenue, 200 feet north from its intersection with Iowa Avenue.....	*4,802	Musquashcut Brook: Shoreline approximately 500 feet downstream of Hollet Street.....	*8	At confluence of Ramapo and Pegunnoch Rivers.....	*186
Center of Lakeshore Avenue 100 feet north from its intersection with Minnequa Avenue.....	#2	Shoreline approximately 1,000 feet upstream of Hollet Street.....	*12	Ramapo River: At confluence with Pompton River.....	*186
		Musquashcut Pond: At Old Farm Road.....	*13	At upstream corporate limits.....	*209
		At Seagate Circle.....	*12	Singac Brook: At confluence with Passaic River.....	*172
		Branch of Musquashcut Brook: At Gannett Road.....	*8	At upstream face of French Hill Road bridge.....	*180
				At upstream face of Preakness Avenue bridge.....	*200
				At upstream face of Ratzer Road bridge.....	*241
				At upstream face of Paterson Hamburg Turnpike bridge.....	*268
				Approximately 1,400 feet downstream of upstream crossing of Valley Road.....	*319
				Jones Brook: At confluence with Ramapo River.....	*207
				At confluence of Haycock Brook.....	*214
				At downstream face of Vale Road bridge.....	*290
				Approximately 190 feet upstream of Tulip Terrace bridge.....	*316
				Haycock Brook: At confluence with Jones Brook.....	*214
				Downstream face of Pines Lake Drive.....	*231

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At upstream face of dam at Pines Lake	*269	Approximately 700 feet upstream of corporate limits for the City of Manuel	*43	Upstream side of FM 521	*17
At upstream face of West Pines Lake Drive bridge	*283	<i>Clear Creek:</i>		Downstream side of Missouri Pacific Railroad	*18
At upstream face of Baywood Avenue bridge	*314	Approximately 2,000 feet downstream of Stone Road	*51	At confluence of Stevenson Slough	*23
Approximately 60 feet downstream of Briar Drive	*345	Approximately 2,000 feet upstream of State Route 288 (South Freeway)	*57	Downstream side of State Route 35	*25
<i>Naachtouck Brook:</i>		Approximately .67 mile upstream of County boundary at Alameda School Road Crossing	*62	<i>Stevenson Slough:</i>	
At confluence with Singac Brook	*175	<i>Cocklebur Slough:</i>		Approximately 570 feet downstream of FM 1459	*23
At upstream face of Private Dam	*187	Approximately 4.2 miles downstream of FM 2611	*10	Upstream side of upstream County Route 332	*25
At upstream face of Chadwick Road bridge	*262	Upstream side of FM 2611	*22	At most upstream corporate limits of City of Sweeney	*37
At upstream side of Sutters Lane	*333	Upstream side of County Route 628	*25	Approximately 60 feet upstream of County Route 321	*37
Approximately 285 feet upstream of last Access Road bridge	*381	Upstream side of FM 524	*28	<i>Unnamed Tributary to Chocolate Bayou:</i>	
<i>Tributary 1 to Singac Brook:</i>		<i>Cow Creek:</i>		Confluence with Chocolate Bayou	*37
At confluence with Singac Brook	*208	At confluence with Brazos River	*53	Approximately 500 feet downstream of County Route 67 at downstream corporate limits with Town of Iowa Colony	*43
Approximately 960 feet upstream of confluence with Singac Brook	*216	Approximately 1.5 miles upstream of County Route 17	*55	Approximately 300 feet upstream of County Route 62	*47
<i>Tributary 3 to Singac Brook:</i>		<i>Flores Bayou:</i>		Upstream side of State Route 288	*49
At confluence with Singac Brook	*181	At confluence with Austin Bayou	*10	Upstream side of County Route 64	*51
At upstream face of MacDonald Drive	*190	Upstream side of County Route 210	*14	<i>Vamer Creek:</i>	
Approximately 120 feet downstream of Woodstock Road	*217	Upstream side of Missouri Pacific Railroad	*21	Confluence with Brazos River	*31
Maps available for inspection at the Municipal Building, Wayne, New Jersey.		Approximately 1.4 miles upstream of County Route 45	*30	Upstream side of State Route 36	*35
TEXAS		<i>Halls Bayou:</i>		Approximately 2.9 miles upstream of County Route 5	*47
Brazoria County (FEMA Docket No. 6640)		Approximately 1.2 miles downstream of Halls Bayou Road	*11	<i>West Fork Chocolate Bayou:</i>	
<i>Austin Bayou:</i>		Downstream side of County Route 167	*24	Confluence with Chocolate Bayou	*40
Approximately .64 mile upstream of FM 2004	*9	Upstream side of County Route 185	*27	Downstream side of County Route 64	*46
Upstream of County Route 208	*13	<i>Hayes Creek:</i>		Approximately 200 feet downstream of State Route 288	*53
Upstream of Missouri Pacific Railroad	*21	Confluence with Chocolate Bayou	*36	At County boundary	*60
Upstream side of State Route 35	*27	Upstream side of County Route 571	*41	<i>West Bay:</i>	
Approximately 2.9 miles upstream of County Route 33	*35	At State Route 288	*48	Shoreline at northwestern boundary near Cow Bayou	*17
<i>Bastrop Bayou:</i>		Approximately 1,000 feet upstream of most upstream corporate limits for Town of Iowa Colony	*55	At Alligator Point	*18
Approximately .74 mile downstream of FM 523	*7	<i>Linnville Bayou:</i>		<i>Gulf of Mexico:</i>	
Upstream of State Route 268	*11	Upstream side of County Route 321	*27	San Luis Pass	*18
At confluence of Bastrop Bayou East and West Tributaries	*18	Downstream side of Missouri Pacific Railroad	*33	Drum Point	*15
<i>Bastrop Bayou West Tributary:</i>		Downstream side of State Route 35	*38	At the confluence of the Brazos River	*15
At upstream corporate limits of Lake Jackson	*18	Upstream side of County Route 743	*41	San Bernard River	*15
Approximately 3.2 miles upstream of confluence of Bastrop Bayou East Tributary	*20	Approximately 2 miles upstream of most upstream Access Road	*47	Southwestern County boundary near Cedar Lakes	*15
<i>Bastrop Bayou East Tributary:</i>		<i>Marys Creek:</i>		<i>Shallow Flooding:</i>	
At confluence with Bastrop Bayou	*18	Approximately 750 feet downstream of corporate limits within City of Pearland	*50	Southwest of Flores Bayou near Missouri Pacific Railroad	*1
Downstream side of Airport Access Road	*23	Upstream side of County Route 103	*52	Southwest of Austin Bayou southeast of McCullough Lake	*1
Approximately .59 mile upstream of County Route 290	*24	Approximately 100 feet upstream of Old Chocolate Bayou Road	*55	Between Missouri Pacific Railroad and Lazy C-Z Reservoir	*1
<i>Bell Creek:</i>		<i>Mound Creek:</i>		East of Oyster Creek, west of County Route 44, south of County Route 31 and north of County Route 28	*1
At confluence with San Bernard River	*25	Confluence with San Bernard River	*19	South of County Route 341, west of Angleton and northeast of County Route 44	*1
Upstream side of State Route 35	*25	Approximately 1 mile upstream of County Route 450	*24	East of Oyster Creek and south of Baileys Prairie	*1
Approximately 1.1 miles upstream of FM 1301	*33	Upstream side of County Route 5	*34	Between Bastrop Bayou West Tributary and Oyster Creek	*1
<i>Brazos River:</i>		Approximately 1 mile upstream of County Route 772	*48	East of Lake Jackson and west of County Route 288	*1
Approximately 4.75 miles downstream of confluence of Buffalo Camp Bayou	*13	<i>Mustang Bayou:</i>		Northeast of Brazos River and west of State Route 332	*1
Upstream side of FM 521	*25	Approximately .89 mile downstream of most downstream Private Road	*16	South of Clute and southwest of Lake Jackson	*1
Upstream side of State Route 35	*33	Downstream side of second upstream Access Road	*27	West of Clute, south of Oyster Creek and north, east, and west of Freeport	*1
Approximately 10 miles upstream of State Route 35	*40	Upstream side Missouri Pacific Railroad	*31	North of Oyster Creek in vicinity of Follett Lake	*1
At confluence of Cow Creek	*53	At first downstream corporate limits located downstream of State Route 35	*40	In vicinity of Lake Bend	*1
At upstream County boundary	*59	Upstream side of County Route 668	*48	Between Stevenson Slough and San Bernard River	*1
<i>Brushy Bayou:</i>		Downstream side of County Route 95	*51	Between San Bernard River and Sweeney	*1
Upstream side of County Route 210	*18	Approximately 1,200 feet downstream of irrigation canal, at upstream corporate limits of Manuel	*65	Between FM 2918, Cocklebur Slough and County Route 306	*1
Upstream side of County Route 443	*23	Downstream side of Access Road located 1,700 feet downstream of County Route 48	*66	Maps available for inspection at the Brazoria County Courthouse, Angleton, Texas.	
Upstream side of County Route 428	*29	At upstream County boundary	*68	Comal County (FEMA Docket No. 6640)	
Upstream side of County Route 341	*32	<i>Oyster Creek:</i>		<i>Alligator Creek:</i>	
Downstream side of County Route 288	*33	Approximately 1.7 miles downstream of County Route 225	*11	Downstream County boundary	*639
<i>Buffalo Camp Bayou:</i>		At downstream corporate limits of City of Richwood	*15	Upstream side of FM 1101	*650
At confluence with Brazos River	*18	Approximately 1.2 miles upstream of FM 2004	*23	Upstream side of Interstate 35	*667
Approximately .86 mile downstream of Missouri Pacific Railroad	*26	At downstream corporate limits of Town of Baileys Prairie	*30	Downstream side of Missouri-Pacific Railroad	*700
<i>Cedar Lake Creek:</i>		At upstream corporate limits of Town of Baileys Prairie	*33	Approximately 400 feet downstream of Hoffman Lane	*712
Approximately 2.2 miles downstream of FM 2611	*9	Downstream side of County Route 30	*36	<i>Cibola Creek:</i>	
Approximately 2.7 miles downstream of FM 521	*14	Upstream side of FM 1462	*49	Upstream side of Missouri-Pacific Railroad	*787
Approximately 300' upstream of FM 521	*19	At County boundary	*59		
<i>Chocolate Bayou:</i>		<i>San Bernard River:</i>			
Approximately .67 mile downstream of County Route 171	*16	Approximately 1 mile downstream of FM 2611	*11		
Approximately 1.5 miles upstream of Missouri Pacific Railroad	*20				
Upstream side of State Route 35	*24				
Approximately 2.27 miles upstream of County Route 172	*29				
Upstream side of FM 1462	*34				
At confluence of Unnamed Tributary to Chocolate Bayou	*37				

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 3.2 miles upstream of County boundary.....	*800	Approximately 1.0 mile upstream confluence with Guadalupe River.....	*705	Upstream side of Taylor Street.....	*584
Approximately 4.4 miles upstream of County boundary.....	*819	Approximately 1.7 miles upstream confluence with Guadalupe River.....	*750	Approximately 1,300 feet upstream of North Colony Boulevard.....	*594
Approximately 6.1 miles upstream of County boundary.....	*845	Approximately 2.6 miles upstream confluence with Guadalupe River.....	*800	Stream SC-2:	
Approximately 8.5 miles upstream of County boundary.....	*880	Approximately 3.8 miles upstream confluence with Guadalupe River.....	*850	Approximately 240 feet downstream of downstream corporate limits.....	*566
Approximately 11.5 miles upstream of County boundary.....	*910	Approximately 5.1 miles upstream confluence with Guadalupe River.....	*900	Upstream side of Turner Street.....	*577
Approximately 14.3 miles upstream of County boundary.....	*940	Approximately 5.6 miles upstream confluence with Guadalupe River.....	*973	At upstream corporate limits.....	*591
Upstream side of FM 1863 (1st upstream crossing).....	*862	Dry Come! Creek:		Louisville Lake: Entire portion of community affected by Louisville Lake.....	*537
At confluence of Lewis Creek.....	*992	Approximately 400 feet downstream of County boundary.....	*643	Maps available for inspection at the City Hall, 5576 North Colony Boulevard, The Colony, Texas.	
Approximately 3.1 miles upstream of confluence with Lewis Creek.....	*1,020	Downstream side of Solms Road.....	*652	UTAH	
Approximately 700 feet upstream of U.S. Route 281.....	*1,065	Approximately 2.3 miles upstream of Solms Road.....	*670	Richfield (City), Sevier County (FEMA Docket No. 6696)	
Approximately .7 mile upstream of confluence with Indian Creek.....	*1,080	Approximately 4.6 miles upstream of Solms Road.....	*691	Cottonwood Creek: At the center of the intersection of 700 North and 500 East.....	#1
Confluence with Muesback Creek.....	*1,100	Upstream side of Missouri-Pacific Railroad.....	*697	Dairy Canyon: At the center of the intersection of 960 West and 625 South.....	#1
Approximately 100 feet downstream of Blanco Road.....	*1,127	Confluence with Bear Creek.....	*734	Maps available for inspection at the Office of the City Administrator, City Hall, Richfield, Utah.	
Approximately 1.2 miles downstream of Ralph Fair Road.....	*1,232	Confluence of Upper Dry Come! Creek.....	*785	WEST VIRGINIA	
Upstream side of Ralph Fair Road.....	*1,250	West Fork:		Parkersburg (City), Wood County (FEMA Docket No. 6640)	
Approximately 400 feet upstream of County boundary.....	*1,268	Confluence of West Fork Tributary.....	*802	Ohio River:	
Cibola Tributary:		Approximately 2.0 miles upstream confluence with West Fork Tributary.....	*854	Confluence of Little Kanawha River.....	*610
Confluence with Cibola Creek.....	*1,242	Upper Dry Come! Creek:		Upstream side of Lake View Drive (extended).....	*612
Upstream side of Ralph Fair Road.....	*1,265	Confluence with Dry Come! Creek.....	*799	Little Kanawha River:	
Approximately 1,000 feet upstream of Ralph Fair Road.....	*1,269	Approximately 1.1 miles upstream confluence with Dry Come! Creek.....	*785	Confluence with Ohio River.....	*610
Indian Creek:		West Fork Tributary:		Upstream side of Interstate Route 77.....	*610
Confluence with Cibola Creek.....	*1,073	Confluence with West Fork.....	*802	Worthington Creek:	
Confluence of Indian Creek Tributary A.....	*1,083	Approximately 1.2 miles upstream confluence with West Fork.....	*851	Confluence with Little Kanawha River.....	*610
Approximately 0.9 mile upstream the confluence of Indian Creek Tributary A.....	*1,100	Rebecca Creek:		Upstream confluence of Holmes Creek.....	*610
Approximately 1.9 mile upstream the confluence of Indian Creek Tributary A.....	*1,124	Approximately .9 mile upstream of confluence with Canyon Lake.....	*946	Neal Run:	
Indian Creek Tributary A:		Approximately .8 mile downstream confluence of Cherry Creek.....	*960	Confluence with Little Kanawha River.....	*610
Confluence with Indian Creek.....	*1,063	Approximately 60 feet downstream confluence of Puter Creek.....	*1,017	Upstream side of State Route 95.....	*610
Approximately .6 mile upstream of confluence with Indian Creek.....	*1,096	Approximately 3.1 miles upstream confluence of Puter Creek.....	*1,182	Wards Run:	
Indian Creek Tributary B:		York Creek:		Upstream side of Camden Avenue.....	*610
Confluence with Indian Creek.....	*1,083	Approximately 440 feet at most downstream County boundary.....	*569	Approximately 50 feet upstream of 15th Avenue.....	*615
Approximately 1.8 miles upstream of confluence with Indian Creek.....	*1,118	Upstream side of York Creek Road.....	*598	Upstream side of Niagara Street.....	*631
Bracken Tributary:		At Missouri-Kansas-Texas Railroad.....	*620	Pond Run Lower Reach:	
Upstream side of Missouri-Pacific Railroad.....	*790	Approximately .9 mile upstream of confluence of Bullhead Hollow.....	*667	Upstream side of Chessie System.....	*590
Approximately 1.3 miles upstream Missouri-Pacific Railroad.....	*820	South Guadalupe Tributary:		Downstream side of Memorial Highway bridge approach.....	*596
Approximately 2.0 miles upstream Missouri-Pacific Railroad.....	*845	At County boundary.....	*661	Holmes Run:	
Garden Ridge Tributary:		Approximately 100 feet upstream FM 1044.....	*671	Confluence with Worthington Creek.....	*610
Upstream side of Missouri-Pacific Railroad.....	*807	Canyon Lake: Entire shoreline.....	*946	Upstream side of Stella Street.....	*617
Downstream side of Bat Cave Road.....	*836	Maps available for inspection at the Comal County Courthouse, New Braunfels, Texas.		Upstream side of Emerson Avenue.....	*637
Guadalupe River (Upper Reach):		Edgely (Village), Tarrant County (FEMA Docket No. 6645)		Approximately 830 feet upstream of Emerson Avenue.....	*643
Approximately 1.0 mile downstream of Rebecca Creek Road.....	*965	Edgely Branch:		Maps available for inspection at the Parkersburg City Hall, 1 Government Square, Parkersburg, West Virginia.	
Confluence of Miller Creek.....	*985	At downstream corporate limits.....	*662		
Upstream side of State Route 311.....	*994	Approximately 100 feet upstream of Sycamore Creek Road.....	*674		
Upstream side of U.S. Route 281.....	*1,011	Just upstream of FM 731 (Crowley Road).....	*697		
Confluence of Spring Branch.....	*1,026	At upstream corporate limits.....	*709		
Confluence of Curry Creek.....	*1,045	Maps available for inspection at the Edgely City Hall, 1605 Edgely Road, Fort Worth, Texas.			
Upstream County boundary.....	*1,066				
Approximately .4 mile upstream County boundary.....	*1,070				
Guadalupe River (Lower Reach):					
Upstream side of Missouri-Kansas-Texas Railroad.....	*825				
Confluence of Elm Creek.....	*848				
Upstream side of River Road (2nd downstream crossing).....	*678				
Confluence of Turkey Creek.....	*702				
Confluence of Sattler Creek.....	*725				
Downstream side of Horseshoe Falls.....	*753				
Approximately 1.4 miles upstream of Horseshoe Falls.....	*762				
Sattler Tributary:					
Confluence with Guadalupe River.....	*725				
Upstream side of FM 2673.....	*783				
Approximately .7 mile upstream of FM 2673.....	*865				
Elm Creek:					
Approximately 0.4 mile upstream confluence with Guadalupe River.....	*661				

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
ALABAMA	
Dallas County (Unincorporated Areas), (FEMA Docket No. 6696)	
Alabama River:	
About 3.0 miles downstream of confluence of Bogue Chitto Creek.....	*97

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At the Dallas-Autauga-Lowndes County line.....	*136	Upstream corporate limits.....	*423	Maps available for inspection at Engineering Department, 276 4th Avenue, Chula Vista, California.	
<i>Bogue Chitto Creek:</i> Within community.....	*98	<i>Little Massard Creek:</i>		Crescent City (City), Del Norte County (FEMA Docket No. 6676)	
<i>White Oak Creek:</i> Within community.....	*100	Confluence with Massard Creek.....	*406	<i>Pacific Ocean:</i> Intersection of Front Street and K Street.....	*13
<i>Cahaba River:</i>		Upstream of South 91st Street.....	*410	Maps available for inspection at the Public Works Department, 450 H Street, Crescent City, California.	
At mouth.....	*112	Upstream of Massard Road.....	*419		
About 8.4 miles upstream of the Louisville and Nashville Railroad.....	*129	Upstream of South 74th Street.....	*425		
<i>Childers Creek:</i>		Upstream of South Louisville.....	*432		
At mouth.....	*115	<i>Spivey Creek:</i>			
At mouth of Childers Creek Tributary.....	*168	Confluence with Massard Creek.....	*414		
<i>Childers Creek Tributary:</i>		Upstream of Belker Road.....	*435		
At mouth.....	*168	Upstream of Missouri Pacific Railroad.....	*441		
About 1.3 miles upstream of Persimmon Tree Road.....	*224	<i>Sunnymede Creek:</i>			
<i>Valley Creek:</i>		Confluence with Arkansas River.....	*409		
About 1.4 miles downstream of Summerfield Road.....	*128	Upstream of Waldron Road.....	*413		
About 0.9 mile upstream of County Road 16.....	*198	Upstream of Albert Pike Avenue.....	*423		
<i>Beech Creek:</i> Within community.....	*122	Upstream of Birnie Avenue.....	*438		
Maps available for inspection at the Dallas County Commission, Selma, Alabama.		<i>No Name Creek:</i>			
		Confluence with Sunnymede Creek.....	*409		
Hollywood (Town), Jackson County, (FEMA Docket No. 6696)		River mile 0.45.....	*419		
<i>Dry Creek:</i>		Upstream of Interstate Route 540.....	*429		
About 6,000 feet downstream of U.S. Highway 72.....	*614	Upstream of Free Ferry Road.....	*448		
Just downstream of Norfolk Southern Railway.....	*622	Upstream of Duncan Road.....	*465		
<i>The Pit Creek:</i>		Downstream of Euper Lane.....	*482		
At mouth.....	*621	River miles 2.62.....	*511		
About 3,200 feet upstream of Norfolk Southern Railway.....	*650	<i>No Name Tributary:</i>			
<i>Town Creek:</i>		Confluence with No Name Creek.....	*460		
About 800 feet downstream of Unnamed Tributary.....	*602	Upstream of Rogers Avenue.....	*482		
Just downstream of County Highway 33.....	*620	River mile 0.719.....	*505		
Maps available for inspection at the City Hall, Hollywood, Alabama.		<i>Oak Park Tributary:</i>			
		Confluence with Arkansas River.....	*412		
		Upstream of Newlon Road.....	*417		
		River mile 0.951.....	*424		
		<i>May Branch:</i>			
		Confluence with Arkansas River.....	*416		
		Upstream of North L Street.....	*432		
		Upstream of Baliman Road.....	*482		
		<i>Poteau River:</i>			
		Confluence with Arkansas River.....	*417		
		Confluence of Mill Creek.....	*418		
		<i>Mill Creek:</i>			
		Confluence with Poteau River.....	*418		
		Upstream of Towson Avenue.....	*439		
		Upstream of State Route 59.....	*456		
		Upstream of Cavanaugh Road.....	*476		
		Upstream of upstream crossing of Jenny Lind Road.....	*489		
		River mile 6.82.....	*516		
		<i>Mill Creek Tributary:</i>			
		Confluence with Mill Creek.....	*454		
		Upstream of downstream Missouri Pacific Railroad.....	*468		
		Upstream of Vicksburg Street.....	*473		
		Upstream of Tulsa Street.....	*490		
		Maps available for inspection at 623 Garrison, Fort Smith, Arkansas.			
		Lavaca (City), Sebastian County (FEMA Docket No. 6690)			
		<i>Cox Creek:</i>			
		Downstream corporate limits.....	*401		
		Downstream side of North Davis Street.....	*406		
		Maps available for inspection at the City Hall, Main Street, Lavaca, Arkansas.			
		CALIFORNIA			
		Chula Vista (City), San Diego County (FEMA Docket No. 6676)			
		<i>Sweetwater River:</i> On the downstream side of Willow Road as it crosses stream.....	*64		
		<i>Telegraph Canyon:</i> 80 feet downstream of the centerline of Second Avenue as it crosses stream.....	*105		
		<i>Telegraph Shallow Flooding:</i>			
		At the intersection of Colorado Avenue and J Street.....	*21		
		At the intersection of Colorado Avenue and K Street.....	#1		
		<i>Otay River:</i> 200 feet west of the centerline of Interstate 805 at a point 1,200 feet south of its crossing of Main Street.....	*88		
		<i>Poggi Canyon Creek:</i> At the centerline of Otay Valley Road as it crosses stream.....	*128		
		<i>San Diego Bay:</i> 400 feet southwest of the intersection of Bay Boulevard and J Street.....	*5		

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<i>South Branch Poso Creek:</i> Approximately 700 feet west along Kimberlina Road from its intersection with Zachary Avenue.....	*445	<i>Lower Kaweah River:</i> 50 feet upstream from the center of Southern Pacific Railroad.....	*388	COLORADO	
<i>South El Paso Wash:</i>		<i>Shallow Flooding:</i>		La Veta (Town), Huerfano County (FEMA Docket No. 6696)	
<i>Shallow Flooding:</i> At the center of the intersection of Drummond Avenue (Boliva Avenue) and Jacks Ranch Road.....	*2,368	At the center of the intersection of Road 182 and Avenue 304.....	#2	<i>Cucharas River:</i> 50 feet upstream of the center of Francisco Street.....	*7,029
<i>South Fork Kern River:</i> Approximately 80 feet downstream from the center of Doyle Ranch Road.....	*2,705	100 feet west from the center of the intersection of Avenue 312 and Atchison, Topeka & Santa Fe Railroad.....	*406	<i>Middle Creek:</i> 50 feet upstream of the confluence with the Cucharas River.....	*6,976
<i>South Fork Kern River:</i>		<i>Middle Fork Kaweah River:</i> 10 feet upstream from the center of South Dinely Drive.....	*996	<i>Cucharas River (Shallow Flooding):</i> 200 feet north of the intersection of Main Street and Ryus Avenue.....	#1
<i>Shallow Flooding:</i> At the center of the intersection of Cozort Lane and Poplar Street.....	#2	<i>South Fork Kaweah River:</i> 50 feet upstream from the center of South Fork Drive.....	*957	Maps available for inspection at Town Hall, 204 South Main, La Veta, Colorado.	
<i>South Ridgecrest Wash:</i>		<i>North Fork Kaweah River:</i> 50 feet upstream from the center of North Fork Drive.....	*971		
<i>Shallow Flooding:</i> Approximately 150 feet downstream from the center of West Upjohn Avenue.....	*2,428	<i>Elk Bayou:</i> 50 feet upstream from the center of State Highway 99.....	*267	Mancos (Town), Montezuma County (FEMA Docket No. 6696)	
<i>Twenty Mule Team Creek:</i>		<i>Lower Tule River:</i> 50 feet upstream from the center of Plano Street.....	*459	<i>Mancos River:</i> Approximately 50 feet upstream from center of Grand Avenue Bridge.....	*7,033
<i>Shallow Flooding:</i> Approximately 125 feet upstream from the center of Boron Avenue.....	*2,446	<i>Shallow Flooding:</i>		<i>Chicken Creek:</i> Approximately 600 feet north of the intersection of Monte Street and U.S. Highway 160 along Monte Street Extended.....	*6,955
<i>Sycamore Creek:</i> Approximately 50 feet downstream from the center of Bear Valley Road.....	*4,053	100 feet west from the center of the intersection of Crestview Street and Putnam Avenue.....	#1	Maps available for inspection at the Town Hall, Box 487, Mancos, Colorado.	
<i>Shallow Flooding Near South of Bakersfield:</i> At the intersection of Digiorgio Road and Fairfax Road.....	#1	At the center of the intersection of Plano Street and Henderson Avenue.....	*448		
<i>Shallow Flooding Near Tehachapi:</i> Approximately 220 feet south on Turf Street from its intersection with Highline Road.....	*4,135	<i>Upper Tule River:</i> 50 feet upstream from the center of Globe Road.....	*777	Walsenburg (City), Huerfano County (FEMA Docket No. 6696)	
<i>Shallow Flooding Near McFarland:</i> Approximately 200 feet north of intersection of Whisler Road and State Highway 99.....	*382	<i>Upper Tule River Northern Branch:</i> At confluence with Upper Tule River.....	*701	<i>Cucharas River:</i> At the center of the intersection of 8th Street and Willis Avenue.....	*6,176
<i>Shallow Flooding Near Tehachapi:</i> Approximately 220 feet south of the center of the intersection of Turf Street and Highline Road.....	*4,135	<i>Graham Creek:</i> 100 feet upstream from the center of Globe Drive.....	*890	<i>Bear Creek:</i> Approximately 50 feet upstream of the center of U.S. Highway 160.....	*6,164
<i>Shallow Flooding Near Twenty Mule Team Creek:</i> At the center of the intersection of Sierra Vista Street.....	#2	<i>Campbell Creek:</i> 50 feet upstream from the center of County Highway J28.....	*744	<i>North Walsenburg Flood Control Dam Overflow:</i> At the center of the intersection of 4th and Main Street.....	*6,182
Maps available for inspection at Public Works Department, 1415 Truxton Avenue, Bakersfield, California.		<i>Fountain Springs Creek:</i> 50 feet upstream from the center of Avenue 88.....	*515	Maps available for inspection at the Office of City Building Inspector, 525, South Albert, Walsenburg, Colorado.	
		<i>Sand Creek-Shallow Flooding:</i>			
		At the center of the intersection of Avenue 432 and Road 132.....	#1	CONNECTICUT	
		100 feet northwest from the center of the intersection of lone Road and El Monte Avenue.....	#2	Fairfield (Town), Fairfield County (FEMA Docket No. 6676)	
		At the center of the intersection of Avenue 408 and Road 120.....	*359	<i>Long Island Sound:</i>	
McFarland (City), Kern County (FEMA Docket No. 6696)		<i>Alta East Branch-Shallow Flooding:</i>		6 shoreline of Sasco Creek at Connecticut Turnpike.....	*11
<i>Shallow Flooding:</i> Intersection of Browning Road and Perkins Avenue.....	*350	At the center of the intersection of Road 136 and Avenue 422.....	#1	6 shoreline approximately 1,400 feet east of Sasco Creek.....	*17
Maps available for inspection at the Office of the Mayor, 401 West Kern Avenue, McFarland, California.		500 feet north from the center of the intersection of Avenue 424 and Road 128.....	#2	6 Shoreline at Willow Street (extended).....	*15
		<i>Antelope Creek-Shallow Flooding:</i> At the center of the intersection of Road 212 and Avenue 356.....	*484	6 shoreline of Mill River at Harbor Road.....	*11
		<i>East Overflow Antelope Creek-Shallow Flooding:</i> 100 feet north from the center of the intersection of Wutchumna Avenue and City of Woodlake corporate limits.....	*453	6 shoreline at Pine Creek.....	*17
San Mateo County (Unincorporated Areas) (FEMA Docket No. 6676)		<i>West Overflow Antelope Creek-Shallow Flooding:</i> 150 feet southwest from the center of the intersection of Cajon Avenue and Olivera Drive.....	*456	7 shoreline at Birch Road (extended).....	*17
<i>Pacific Ocean:</i> Intersection of Magellan Avenue and Miranda Road.....	*27	<i>Lewis Creek-Shallow Flooding:</i> 100 feet northwest from the center of Lindmore Street crossing of Friant-Kern Canal.....	*416	7 shoreline at Ash Creek at Black Rock Turnpike.....	*11
Maps available for inspection at Department of Public Works, 401 Marshall Street, Redwood City, California.		<i>Frazier Creek-Shallow Flooding:</i>		<i>Grasmere Brook:</i>	
		At the center of intersection of Olive Drive and F Avenue.....	*420	Upstream side of Home Street.....	*11
Seaside (City), Monterey County (FEMA Docket No. 6676)		At the center of intersection of Ninth Avenue and Road 228.....	#1	Downstream side of dam near Yarrow Road.....	*33
<i>Pacific Ocean:</i> 200 feet north of the intersection of Humboldt Street and Sand Dunes Drive.....	*21	<i>White River-Shallow Flooding:</i> At the center of intersection of Road 136 and White Rock Avenue.....	*290	Upstream side of Jennings Road.....	*48
Maps available for inspection at City Hall, Seaside, California.		<i>Porter Slough-Shallow Flooding:</i>		Upstream side of Osborn Hill Road.....	*65
		100 feet west from the center of the intersection of Crestview Street and Putnam Avenue.....	#1	Approximately 100 feet upstream of Stony Brook Road.....	*96
Sonoma County (Unincorporated Areas) (FEMA Docket No. 6676)		At the center of the intersection of Plano Street and Henderson Avenue.....	*448	<i>Rooster River:</i>	
<i>Bodega Harbor:</i> At Spud Point.....	*11	<i>Mill Creek-Shallow Flooding:</i> At the intersection of Goshen Avenue and Boyer Lane.....	#2	Downstream side of Black Rock Turnpike.....	*11
<i>Salmon Creek:</i> At State Highway 1 crossing over Salmon Creek.....	*11	<i>Packwood Creek-Shallow Flooding:</i> 100 feet southwest from the intersection of Marinette Avenue and Oakdale Avenue.....	#1	Upstream side of Interstate 95.....	*17
Maps available for inspection at Sonoma County Water Agency, 2425 Cleveland Avenue, Santa Rosa, California.		<i>Wooten Creek:</i> 100 feet northeast from the intersection of Valley Road and Avenue 464.....	*439	Approximately 100 feet upstream of Stratfield Road.....	*45
		<i>Orange Cove Drain:</i> 100 feet southeast from the intersection of Avenue 460 and Valley Road.....	*434	Approximately 1,300 feet upstream of Cornell Road.....	*78
Tulare County, (Unincorporated Areas) (FEMA Docket No. 6690)		Maps available for inspection at County Department of Public Works, County Courthouse, Visalia, California.		<i>Horse Tavern Brook:</i>	
<i>King River:</i> 50 feet upstream from the center of Southern Pacific Railroad.....	*288			At confluence with Rooster River.....	*79
<i>St. Johns River:</i> 100 feet upstream from the center of Friant-Kern Canal.....	*422			Upstream side of Merritt Street.....	*101
<i>Shallow Flooding:</i> At the center of the intersection of Road 170 and Avenue 304.....	#1			At upstream corporate limits.....	*133
				<i>Londons Brook:</i>	
				At confluence with Rooster River.....	*78
				Upstream side of dam.....	*97
				Approximately 850 feet upstream of Fairfield Woods Road.....	*107
				<i>Brown's Brook:</i>	
				Confluence with Mill River.....	*21
				Upstream side of Wayside Court.....	*53
				Approximately 550 feet upstream of Governor's Lane.....	*99
				Maps available for inspection at the Town Planning and Zoning Department, Independence Hall, Fairfield, Connecticut.	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Farmington (Town), Hartford County (FEMA Docket No. 6690)		Upstream side of East Putnam Avenue.....	*30	At intersection of Water Street and Fort Point Street.....	*11
<i>Farmington River:</i>		Approximately 1,300 feet upstream of Cardinal Road.....	*57	<i>Norwalk River:</i>	
At downstream corporate limits.....	*169	<i>West Brothers Brook:</i>		Downstream side of Wall Street.....	*12
At Farmington Avenue (State Route 4).....	*171	At confluence with East Brothers Brook.....	*26	At confluence of Silvermine River.....	*54
At downstream side of CONRAIL.....	*176	Downstream side of Old Church Road.....	*71	At upstream corporate limits.....	*124
Approximately 300 feet upstream of South Main Street/State Route 177.....	*196	Upstream side of Ridgebrook Road.....	*87	<i>Silvermine River:</i>	
Approximately 300 feet upstream of Main Street/State Route 4/179.....	*209	Upstream side of dam approximately 350 feet upstream of Husted Lane.....	*130	At confluence with Norwalk River.....	*54
Approximately 1,900 feet upstream of Main Street/State Route 4/179.....	*213	Upstream side of Laurel Lane.....	*171	Upstream side of Merritt Parkway.....	*83
At upstream corporate limits.....	*238	<i>Rockwood Lake Brook:</i>		At upstream corporate limits.....	*122
<i>Pequabuck River:</i>		At confluence with East Brothers Brook.....	*84	<i>Five Mile River:</i>	
At confluence with Farmington River.....	*172	Upstream side of Doubling Road.....	*132	Upstream side of Cudlipp Street.....	*12
At upstream corporate limits.....	*172	Upstream side of dam approximately 1,750 feet upstream of Doubling Road.....	*161	Upstream side of Connecticut Turnpike.....	*46
<i>Roaring Brook:</i>		Upstream side of Dingtown Road.....	*179	Approximately 100 feet upstream of Fillow Street.....	*103
At confluence with Farmington River.....	*196	Approximately 70 feet downstream of the Inter-laken Drive.....	*193	At upstream corporate limits.....	*143
Upstream side of Keyes Street.....	*208	<i>Strickland Brook:</i>		<i>Keelers Brook:</i>	
At downstream side of Golf Cart Bridge.....	*229	At confluence of Cos Cob Harbor.....	*12	At confluence with Five Mile River.....	*29
At upstream corporate limits.....	*240	Upstream side of Orchard Street.....	*16	Upstream side of Flax Hill Road.....	*60
<i>Unionville Brook:</i>		At Berge Street (extended).....	*29	Approximately 1,000 feet upstream of Connecticut Turnpike.....	*89
At confluence with Farmington River.....	*200	Upstream Montgomery Lane.....	*69	<i>Stony Brook:</i>	
Approximately 50 feet upstream of River Road.....	*211	Approximately 400 feet upstream of Pinetum Lane.....	*78	At downstream corporate limits.....	*94
At downstream side of Burlington Road.....	*234	<i>Mianus River:</i>		Upstream side of Field Street.....	*123
Approximately 300 feet upstream of Burlington Road.....	*236	Upstream side of Mianus Pond Dam.....	*17	<i>Belts Pond Brook:</i>	
<i>Scott Swamp Brook:</i>		Upstream side of Palmer Hill Road.....	*27	At confluence with Norwalk River.....	*11
At downstream corporate limits.....	*172	Upstream side of dam approximately 1,450 feet downstream of Valley Road.....	*50	Downstream side of Cannon Street.....	*37
Approximately 30 feet upstream of Hyde Road.....	*178	At upstream corporate limits.....	*73	Approximately 0.5 mile upstream of Blake Street.....	*68
Approximately 60 feet upstream of Scott Swamp Road.....	*260	<i>Cider Mill Brook:</i>		Maps available for inspection at the Code Coordination Office of the Department of Code Enforcement, City Hall Annex, Roger's Square, East Norwalk, Connecticut.	
Approximately 40 feet downstream of Morea Road.....	*290	Upstream side of Sound Beach Avenue.....	*12	DELAWARE	
<i>Poplar Swamp Brook:</i>		Upstream side of Chasmar Road.....	*25	New Castle County, Unincorporated Areas (FEMA Docket No. 6690)	
At confluence with Farmington River.....	*171	Upstream side of Connecticut Turnpike.....	*32	<i>Christina River:</i>	
Approximately 650 feet upstream of dam.....	*171	Approximately 1,000 feet upstream of East Putnam Avenue.....	*35	Downstream county boundary.....	*10
Approximately 425 feet upstream of New Development Road.....	*185	Maps available for inspection at the Office of Selectman, Greenwich, Connecticut.		Upstream side of Witten Road.....	*20
<i>Woodridge Lake Inlet:</i>		Gulfport (Town), New Haven County (FEMA Docket No. 6659)		Upstream side of State Route 72.....	*40
At downstream corporate limits.....	*171	<i>Long Island Sound:</i>		Upstream county boundary.....	*69
Upstream side of Woodpond Road.....	*176	At intersection of Rosemary Lane and Summer Street.....	*11	<i>Red Clay Creek:</i>	
Approximately 940 feet upstream of Shady Lane.....	*226	At intersection of Seaside Avenue and Field Road.....	*13	At confluence with White Clay Creek.....	*19
Maps available at the Town Clerk's Office and Town Engineer's Office.		At intersection of Andrews Road and Little Harbor Road.....	*14	Upstream side of Kirkwood Highway.....	*55
Greenwich (Town), Fairfield County (FEMA Docket No. 6640)		Shoreline at Indian Cove.....	*16	Upstream side of Lancaster Pike.....	*96
<i>Byram River:</i>		<i>West River:</i>		Upstream side of Hillside Road.....	*126
At CONRAIL bridge.....	*12	Upstream side of U.S. Route 1.....	*11	Upstream side of Ashland Road.....	*152
Approximately 1,000 feet upstream of second crossing of Putnam Avenue.....	*19	Upstream side of Sawmill Road.....	*28	Upstream side of Dam No. 10 at county boundary.....	*193
Downstream side of first upstream dam.....	*43	Downstream side of Flat Meadow Road.....	*55	<i>White Clay Creek:</i>	
Upstream side of Glenville Road.....	*119	Approximately 1.0 mile downstream of State Route 80.....	*113	At confluence with Christina River.....	*13
At confluence of East Branch Byram River.....	*153	Downstream side of State Route 80.....	*144	At confluence of Pike Creek.....	*34
<i>East Branch Byram River:</i>		Approximately 1.0 mile upstream of Race Hill Road.....	*175	Upstream side of State Route 2.....	*54
At confluence with Byram River.....	*153	<i>East River:</i>		Upstream side of Dam No. 5.....	*81
Upstream side of Merritt Parkway.....	*155	Upstream side of Bear House Hill Road.....	*11	At upstream State Boundary.....	*118
At confluence of Converse Pond Brook.....	*163	Upstream side of White Birch Drive.....	*18	<i>Tributary to White Clay Creek:</i>	
<i>Converse Pond Brook:</i>		Approximately 2,200 feet upstream of North Madison Road.....	*53	At confluence with White Clay Creek.....	*13
At confluence with East Branch Byram River.....	*163	<i>Little Meadow Brook:</i>		Downstream side of AMTRAK crossing.....	*13
Downstream side of second upstream crossing of Merritt Parkway.....	*213	At confluence with East River.....	*23	At State Route 4.....	*23
Upstream side of fourth upstream crossing of Merritt Parkway.....	*252	Approximately 30 feet upstream of North Madison Road.....	*33	<i>Mill Creek:</i>	
Downstream side of Old Mill Road.....	*288	Approximately 0.5 mile upstream of North Madison Road.....	*53	At confluence with White Clay Creek.....	*19
Downstream side of Lake Avenue bridge.....	*321	Downstream side of Little Meadow Road.....	*78	Upstream side of Kirkwood Highway.....	*49
Approximately 0.4 mile upstream of Lake Avenue.....	*334	Upstream side of Meadow Hills Drive.....	*98	Upstream side of Limestone Road.....	*104
<i>Horseneck Brook:</i>		Approximately 1,170 feet upstream of Malley's Pond Dam.....	*108	Upstream side of West End Camp Wright Road.....	*186
Downstream side of Interstate 95.....	*13	<i>Neck River:</i>		Upstream side of Brackenville Road.....	*227
Upstream side of Bridge Street.....	*30	Approximately 800 feet downstream of Opening Hill Road.....	*58	Upstream side of Old Lancaster Pike.....	*259
Upstream side of Valley Drive.....	*69	Downstream side of Goulds Pond Dam.....	*77	Upstream county boundary.....	*310
Upstream side of Mead Lane.....	*110	Maps available for inspection at the Office of Selectman, Guilford, Connecticut.		<i>Pike Creek:</i>	
Upstream side of Winding Lane.....	*136	Norwalk (City), Fairfield County (FEMA Docket No. 6649)		At confluence with White Clay Creek.....	*34
Upstream side of Round Hill Road.....	*181	<i>Long Island Sound:</i>		Upstream side of Henderson Road.....	*73
Downstream side of Clapboard Ridge Road.....	*234	Shoreline at Roton Avenue (extended).....	*17	Upstream side of Dupont Road.....	*158
Upstream side of Delcraft Road.....	*276			At State Route 72.....	*180
Downstream side of Butternut Hollow Road culvert.....	*304			<i>Little Mill Creek:</i>	
Approximately .6 mile upstream of Merritt Parkway.....	*335			At confluence with Christina River.....	*10
<i>East Brothers Brook:</i>				Upstream side of Maryland Avenue.....	*20
Upstream side of Interstate 95 dam.....	*13			Upstream side of Dupont Road.....	*63
				Upstream side of Chessie System.....	*75
				At State Route 141.....	*91
				<i>Chestnut Run:</i>	
				At confluence with Little Mill Creek.....	*77
				Upstream side of State Route 2.....	*82
				At Faulkland Road.....	*99
				<i>Brandywine Creek (Downstream Portion):</i>	
				At downstream corporate limits.....	*39
				Approximately 530 feet upstream of fourth upstream dam.....	*91

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Brandywine Creek (Upstream Portion): Approximately 180 feet downstream of down- stream State boundary.....	*155	Maps available for inspection at the City Water Department, City Hall, Petersburg, Illinois.		Grant Creek: Just upstream of confluence with Badger Creek ..	*782
Approximately 50 feet upstream of most up- stream State boundary.....	*156	Streator (City), La Salle and Livingston Counties, (FEMA Docket No. 6696)		Just downstream of 1050 South Road.....	*818
Delaware River: Entire length within county affected by tidal flooding.....	*10	Vermilion River: About 1.2 miles downstream of Main Street.....	*573	Clear Creek: Just upstream of confluence with Eel River.....	*742
Maps available for inspection in Drafting Room Number 206, County Engineering Building, 2701 Capitol Trail, Newark, Delaware.		About 0.8 mile upstream of Bridge Street.....	*580	Just downstream of 100 West Road.....	*808
GEORGIA		Prairie Creek: About 0.7 mile downstream of Kelly Street.....	*573	Wabash River: At county boundary.....	*652
Tybee Island (City), Chatham County, (FEMA Docket No. 6696)		About 0.5 mile upstream of Otter Creek Road.....	*628	About 750 feet upstream of Norfolk Southern Railway.....	*692
Atlantic Ocean: Along Jones Avenue from 14th Street to 4th Street.....	*12	Coal Run Creek: At mouth.....	*579	Maps available for inspection at the Wabash County Plan Commission, County Courthouse, Wabash, Indiana.	
At U.S. Route 80 bridge over Lazaretto Creek.....	*18	Just upstream of Otter Creek Road.....	*617	IOWA	
Along eastern shoreline.....	*20	South Branch Coal Run Creek: Within community.....	*617	Atlantic (City), Cass County (FEMA Docket No. 6690)	
Maps available for inspection at the Building Inspector's Office, City Hall, Tybee Island, Georgia.		Maps available for inspection at the City Clerk's Office, City Administration Building, 204 South Bloomington, Streator, Illinois.		East Nishnabota River: About 2.8 miles downstream of 6th Street.....	*1,139
ILLINOIS		INDIANA		About 1,300 feet upstream of Buck Road.....	*1,155
Chandlerville (Village), Cass County, (FEMA Docket No. 6696)		Amboy (Town), Miami County, (FEMA Docket No. 6690)		Troublesome Creek: About 0.8 miles downstream of Olive Street.....	*1,155
Panther Creek: About 0.8 mile downstream of State Route 78.....	*458	Honey Creek: About 500 feet downstream of Main Street.....	*805	About 1.1 miles upstream of Olive Street.....	*1,163
About 0.7 mile upstream of Main Street.....	*472	Just upstream of Conrail.....	*811	Maps available for inspection at the City Hall, 23 East 4th Street, Atlantic, Iowa.	
Sangamon River: About 0.5 mile downstream of State Route 78.....	*458	Maps available for inspection at the Amboy Clerk Treasurer's Office (Vickie Cameron), North Street, Amboy, Indiana.		Muscatine County (Unincorporated Areas)	
Just upstream of State Route 78.....	*460	Miami County (Unincorporated Areas), (FEMA Docket No. 6690)		Mississippi River: At downstream county boundary.....	*555
Maps available for inspection at the Clerk's Office, Chandlerville, Illinois.		Wabash River: At westernmost County Boundary.....	*628	At upstream county boundary.....	*561
Cissna Park (Village), Iroquois County, (FEMA Docket No. 6696)		About 0.95 mile upstream of U.S. Route 31.....	*634	Cedar River: About 2.1 miles downstream of confluence of Sugar Creek.....	*632
Pigeon Creek: About 2,000 feet downstream of Missouri Pacif- ic Railroad.....	*661	Just downstream of U.S. Route 31.....	*778	At upstream county boundary.....	*647
At confluence of Pigeon Creek Tributary No. 1.....	*664	Just downstream of 150 West Road.....	*786	Wapsinonoc Creek: Just downstream of county road.....	*639
Pigeon Creek Tributary No. 1: At confluence with Pigeon Creek.....	*664	Dolin Young Ditch: Just downstream of 1,200 South Road.....	*804	At upstream county boundary.....	*668
About 450 feet upstream of West Street.....	*665	Just downstream of 1,400 South Road.....	*821	West Branch Wapsinonoc Creek: At mouth.....	*645
Maps available for inspection at the Cissna Park News, 119 West Garfield, Cissna Park, Illinois.		Honey Creek: Just upstream of confluence of Overman Ditch.....	*797	About 4.1 miles upstream of U.S. Highway 6.....	*669
Hull (Village), Pike County, (FEMA Docket No. 6696)		Just downstream of 700 East Road.....	*812	East Branch Wapsinonoc Creek: At mouth.....	*660
Mississippi River: About 0.8 mile upstream of Dam 22.....	*472	Eel River: Just upstream of U.S. Route 31.....	*667	At upstream county boundary.....	*671
About 2.1 miles upstream of Dam 22.....	*473	About 1.0 mile upstream of 400 North Road.....	*676	Mud Creek: Just upstream of U.S. Highway 6.....	*652
Maps available for inspection at the Hull Motel- Cafe, Rt. 36, Hull, Illinois.		Mississinewa River: Just downstream of State Route 124.....	*652	About 2.4 miles upstream of Liberty Street.....	*682
Milford (Village), Iroquois County, (FEMA Docket No. 6696)		About 2.6 miles upstream of Frances Slocum Trail.....	*670	Hockey's Slough: At mouth.....	*618
Sugar Creek: About 3,600 feet downstream of State Route 1.....	*645	Maps available for inspection at the Miami County Plan Commission, County Courthouse, Room 103, Peru, Indiana.		About 300 feet downstream of County Road.....	*619
About 2,700 feet upstream of Missouri Pacific Railroad.....	*651	North Manchester (City), Wabash County, (FEMA Docket No. 6690)		Just upstream of County Road.....	*624
Maps available for inspection at the Milford Village Hall, South West Avenue, Milford, Illi- nois.		Clear Creek: Just downstream of State Route 13 (down- stream crossing).....	*768	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.....	*634
New Haven (Village), Gallatin County (FEMA Docket No. 6682)		About 900 feet upstream of State Route 13 (upstream crossing).....	*780	Maps available for inspection at the County Engineer's Office, 1631 Iselt Avenue, Musca- tine, Iowa.	
Ohio River: Within community.....	*369	Eel River: About 2,300 feet downstream of abandoned railroad.....	*746	New Hartford (City), Butler County, (FEMA Docket No. 6696)	
Maps available for inspection at the Town Hall, Vine Street, New Haven, Illinois.		About 6,600 feet upstream of State Route 114.....	*755	Beaver Creek: About 0.4 mile downstream of Broadway Street...	*896
Petersburg (City), Menard County, (FEMA Docket No. 6696)		Pony Creek: At confluence with Eel River.....	*750	About 1.2 miles upstream of Broadway Street.....	*901
Sangamon River: About 0.8 mile downstream of State Route 123 ..	*503	About 1,200 feet upstream of State Route 113 ..	*753	Maps available for inspection at the City Hall, 503 Packwaukee, New Hartford, Iowa.	
About 1.2 miles upstream of State Route 123.....	*505	Maps available for inspection at the Office of the Clerk Treasurer, Town Hall, 103 East Main Street, North Manchester, Indiana.		Nichols (City), Muscatine County	
		Wabash County (Unincorporated Areas), (FEMA Docket No. 6690)		Hockey's Slough: About 1,225 feet downstream of State Highway 70.....	*630
		Eel River: About 550 feet downstream of confluence of Round Lake Tributary.....	*734	Just upstream of Abandoned Railroad.....	*634
		At county boundary.....	*767	Maps available for inspection at the City Hall, Nichols, Iowa.	
		Pony Creek: Just upstream of confluence with Eel River.....	*750	West Liberty (City), Muscatine County	
		Just downstream of 1100 North Road.....	*758	Wapsinonoc Creek: About 250 feet downstream of Chicago, Rock Island and Pacific Railroad.....	*653
				About 1,900 feet downstream of Rainbow Drive...	*658
				West Branch Wapsinonoc Creek: Just downstream of Chicago, Rock Island and Pacific Railroad.....	*650
				About 1,100 feet upstream of Prairie Street.....	*655

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Maps available for inspection at the City Hall, West Liberty, Iowa.		Shoreline at Sister Point.....	*15	Approximately 0.5 mile upstream of Penwood Drive (extended).....	*52
KANSAS		Mainland shoreline east of Burnt Coat Island.....	*9	Nasons Brook:	
Syracuse (City), Hamilton County		Kennebec River:		At confluence with Capisic Brook.....	*10
Arkansas River:		East shoreline at Fort Popham State Park.....	*16	Downstream side of Webb Street.....	*46
About 1,800 feet downstream of State Highway 27.....	*3,226	Entire shoreline of Dix Island.....	*10	Upstream side of Portland Terminal Railroad.....	*54
About 1,400 feet upstream of State Highway 27.....	*3,233	Entire shoreline of Mill Pond.....	*10	Maps available for inspection at the City Hall Planning Department, Portland, Maine.	
Shallow Flooding (overflow from Syracuse Creek):		Entire western shoreline of Drummors Bay.....	*10		
About 600 feet south of Atchison, Topeka and Santa Fe Railroad along western corporate limits.....	#3	Entire shoreline of Fiddler Resch within community.....	*9	MARYLAND	
Shallow Flooding (ponding from overflow of Syracuse Creek):		New Meadows River:		Berlin (Town), Worcester County (FEMA Docket No. 6696)	
Just north of Atchison, Topeka and Santa Fe Railroad.....	*3,248	Shoreline at Riddleys Landing Road (extended).....	*9	Kitts Branch:	
Just north of Avenue D.....	*3,249	Shoreline of Brighams Cove within the community.....	*9	At downstream corporate limits.....	*17
Maps available for inspection at the City Offices, 220 North Main Street, Syracuse, Kansas.		Shallow Flooding:	#1-#2	Upstream side of Ocean City Boulevard/State Route 346.....	*21
		Maps available for inspection at the Town Offices, Phippsburg, Maine (Hours are Wednesday Evenings from 7:00 p.m. to 9:00 p.m.).		At upstream corporate limits.....	*23
		Portland (City), Cumberland County (FEMA Docket No. 6682)		Maps available for inspection at the Town Hall, 10 Williams Street, Berlin, Maryland.	
KENTUCKY		Casco Bay:			
Ghent (Town), Carroll County, (FEMA Docket No. 6690)		Shoreline of Martin Point.....	*27	MASSACHUSETTS	
Ohio River:		Shoreline at Lennox Road (extended).....	*14	Essex (Town), Essex County (FEMA Docket No. 6648)	
Along McCools Creek within community.....	*470	Shoreline at Fish Point.....	*13	Atlantic Ocean Affecting Essex Bay:	
Along Ohio River bank within community.....	*471	Shoreline at Moody Street (extended).....	*16	Shoreline at east side of Dilly Island.....	*14
Maps available for inspection at the Post Office, Ghent, Kentucky.		Shoreline of Great Diamond Island at Indian Cove.....	*11	Shoreline at Middle Road near Conomo Point (extended).....	*12
		Shoreline of Great Diamond Island approximately 1,000 feet south of Diamond Cove.....	*14	Entire shoreline of Bull Island.....	*10
Inez (City), Martin County (FEMA Docket No. 6690)		Southeast shoreline of Cushing Island.....	*27	Shoreline of Castle Neck River at State Route 133.....	*10
Middle fork:		Shoreline of Cushing Island at Big Beach.....	*11	Shoreline of Essex River at State Route 133.....	*10
About 620 feet upstream of mouth.....	*634	West shoreline of Peaks Island.....	*9	Maps available for inspection at the Essex Library and Essex Selectman's Office, Town Hall, Essex, Massachusetts.	
About 1,300 feet upstream of mouth.....	*636	Shoreline of Peaks Island approximately 600 feet east of Wharf Cove.....	*21		
Maps available for inspection at the City Hall, Inez, Kentucky.		Shoreline of Peaks Island approximately 500 feet north of Josiah's Cove.....	*28	Manchester (Town), Essex County (FEMA Docket No. 6604)	
		Shoreline of Long Island at Beach Avenue (extended).....	*21	Massachusetts Bay:	
Milton (City), Trimble County, (FEMA Docket No. 6690)		Shoreline of Long Island at Cushing Point.....	*11	Shoreline 600 feet south of Harbor Street extended.....	*17
Ohio River:		Shoreline of Long Island at Eastern Avenue (extended east).....	*24	Shoreline at Proctor Street extended.....	*14
About 0.7 mile downstream of U.S. Highway 421.....	*464	Shoreline of Long Island at Andrews Nubble.....	*25	Shoreline at Pickworth Point.....	*22
About 0.3 mile upstream of U.S. Highway 421.....	*465	Shoreline of Long Island at Beach Avenue (extended southeast).....	*15	Shoreline at Cobb Avenue extended.....	*18
Maps available for inspection at the City Hall, Milton, Kentucky.		Southeast side of Overset Island.....	*28	Shoreline 1,600 feet east of Beach Street extended.....	*30
		West shoreline of Cliff Island.....	*11	Entire shoreline of Kettle Cove.....	*14
Prestonville (Town), Carroll County, (FEMA Docket No. 6690)		Easternmost side of Cliff Island.....	*28	Shoreline at Butler Avenue extended at Magnolia Harbor.....	*15
Ohio River: Within community.....	*468	Shoreline of Cliff Island approximately 0.35 mile northeast of Island Avenue (extended east).....	*16	South of Boston and Maine Railroad between Ashland Avenue and Beach Street.....	*9
Maps available for inspection at the Whiteside Fire Department, Prestonville, Kentucky.		West shoreline of Jewell Island.....	*9	Maps available for inspection at the Building Inspector's Office, Town Hall, Manchester, Massachusetts.	
		East shoreline of Jewell Island.....	*28		
Warfield (Town), Martin County (FEMA Docket No. 6690)		Back Cove: Northwest shoreline of Back Cove.....	*11	Melrose (City), Middlesex County (FEMA Docket No. 6690)	
Tug Fork:		Fore River: Shoreline at Thompson Point.....	*10	Lower Spot Pond Brook:	
About 900 feet downstream of Norfolk Southern Railway.....	*623	Shallow Flooding:	#2	At downstream corporate limits.....	*37
Just upstream of confluence of Collins Creek.....	*624	Area 300 feet east of Jerry Point.....	#1	Approximately 450 feet upstream of Kingsley Avenue extended.....	*40
Buck Creek: Within community.....	*624	Area approximately 0.55 mile northeast of southern end of Island Avenue on Cliff Island.....	#2	Ell Pond: Entire Shoreline.....	*54
Collins Creek:		Presumpscot River:		Maps available for inspection at the Engineering Vault, Melrose, Massachusetts.	
At mouth.....	*624	At downstream corporate limits.....	*22		
About 475 feet upstream of confluence of Unnamed Tributary.....	*658	At second upstream crossing of corporate limits.....	*24	Newbury (Town), Essex County (FEMA Docket No. 6640)	
Maps available for inspection at the Town Hall, Warfield, Kentucky.		At Interstate Route 95.....	*32	Atlantic Ocean:	
		At Forest Avenue.....	*34	Shoreline at northern corporate limits.....	*14
MAINE		At fourth upstream corporate limits.....	*35	Shoreline at Columbia Way (extended).....	*16
Phippsburg (Town), Sagadahoc County (FEMA Docket No. 6665)		Stroudwater River:		Shoreline at Fordham Way (extended).....	*20
Atlantic Ocean:		Downstream side of Westbrook Street.....	*10	Shoreline at southern corporate limits.....	*14
Entire shoreline at Small Point.....	*16	Downstream side of Congress Street.....	*25	Newburyport Turnpike at Parker River.....	*8
Mainland shoreline north of Seal Island.....	*22	Approximately 0.7 mile upstream of Congress Street.....	*27	Parker River:	
Marshy area surrounding Campbell Island.....	*10	Fall Brook:		Approximately 200 feet downstream of Central Street.....	*8
Shoreline at Popham Beach.....	*15	Approximately 650 feet upstream of Baxter Boulevard.....	*11	Upstream side of Dam D8.....	*27
Casco Bay:		Upstream side of Murray Street.....	*31	Upstream side of Dam D7.....	*42
Shoreline at Head Cove.....	*10	Upstream side of Washington Avenue.....	*53	Approximately 40 feet upstream of washed out bridge.....	*62
Mainland shoreline east of Gooseberry Island.....	*18	At Ray Road.....	*58	At upstream corporate limits.....	*63
Entire shoreline of Cape Small Harbor.....	*10	Upstream side of Drake Street.....	*69	Mill River: 50 feet upstream of Newburyport Turnpike.....	*9
		Approximately 300 feet upstream of Allen Street.....	*83		
		Capisic Brook:			
		At Congress Street.....	*10		
		Downstream side of Capisic Street.....	*34		
		Downstream side of Lucas Street.....	*36		
		Upstream side of Dennett Road.....	*44		
		At Penwood Drive (extended).....	*49		

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Maps available for inspection at the Office of Benjamin Pearson, Chairman of the Conservation Commission, Newbury, Massachusetts.		Ship Pond: Entire shoreline of Ship Pond		Somerville (City), Middlesex County (FEMA Docket No. 6682)	
Orleans (Town), Barnstable County (FEMA Docket No. 6640)		Eel River:		Mystic River:	
Atlantic Ocean:		At River Street.....		Upstream side of Amelia Earhart Dam.....	
Shoreline approximately .38 mile south of the north corporate limits.....		Upstream side Old Sandwich Road.....		At Interstate Route 93 and corporate limit.....	
Shoreline at Beach Road (extended).....		Downstream side State Route 3 northbound.....		At confluence of Alewife Brook.....	
Shoreline east of Little Pochet Island.....		Upstream side of Russell Millpond Road.....		Alewife Brook: At Henderson Street.....	
Shoreline east of Sampson Island.....		Approximately 350 feet upstream of Russell Millpond Road.....		Atlantic Ocean: Downstream side of Amelia Earhart Dam and at corporate limit.....	
Shoreline approximately .19 mile north of the south corporate limits.....		Buttermilk Bay: Red Brook at upstream side of Red Brook Lane.....		Maps available for inspection at the Clerk's Office, City Hall, Somerville, Massachusetts.	
Approximately 200 feet east of intersection of Aspinet and Beach Roads.....		Town Brook:		Swansea (Town), Bristol County (FEMA Docket No. 6640)	
Shallow Flooding:		At Water Street.....		Palmer River and Tributary to the Barrington River:	
Dune area approximately 900 feet northeast of intersection of Aspinet and Beach Roads.....		Upstream side Newfield Road.....		Shoreline at Old Providence Road.....	
Dune area along the parking lot at Beach Road.....		Downstream side Billington Street.....		Shoreline at southern River corporate limits.....	
Dune area along Pochet Road (extended).....		Approximately 600 feet upstream of Little Pond Road.....		1,200 feet northwest along southern corporate limits from New Meadow Road.....	
Dune area northeast of Little Pochet Island.....		Branch of Eel River:		Cole River:	
Dune area along Jeep Trail south of Little Pochet Island.....		Approximately 500 feet downstream of Clifford Road.....		Shoreline at Tood Avenue (extended).....	
Dune area from the south corporate limits north approximately 1.5 miles.....		Upstream side of Old Sandwich Road.....		Shoreline at Ian Avenue (extended).....	
Cape Cod Bay:		Indian Brook:		Shoreline at Milford Road.....	
Shoreline at the mouth of Little Namskaket Creek.....		Downstream side of Seaview Drive.....		Entire shoreline of Milford Pond.....	
Shoreline at the mouth of Namskaket Creek.....		Downstream side State Route 3A.....		Shoreline at Island Road.....	
Area around Skaket Circle.....		Beaver Dam Brook:		Shoreline at Terry Avenue (extended).....	
Rock Harbor Creek: Entire shoreline within community.....		Approximately 1,000 feet downstream of Brook Road.....		Mount Hope Bay:	
Town Cove:		Approximately 2,750 feet upstream of State Route 3A.....		600 feet southeast of intersection of Harbor Road and New Gardeners Neck Road.....	
Shoreline on eastside of Snow Point.....		Kings Pond: Entire shoreline of Kings Pond.....		Shoreline at New Gardeners Neck Road (extended).....	
Shoreline of Town Cove between Causeway Road (extended) and approximately 400 feet east of the intersection of Main Street and South Orleans Road.....		Billington Sea: Entire shoreline of Billington Sea.....		Lee River:	
Pleasant Bay:		Maps available for inspection at the Town Clerk's Office, Plymouth, Massachusetts.		Shoreline at Lawrence Street (extended).....	
Shoreline at the south corporate limits.....		Rowley (Town), Essex County (FEMA Docket No. 6665)		Shoreline at 3rd Street (extended).....	
Shoreline between Tar Lin Road and Davis Road (extended).....		Atlantic Ocean:		Rocky Run:	
West shoreline of Sipson Island.....		Entire shoreline within corporate limits.....		At upstream corporate limits.....	
Little Pleasant Bay and east branch:		Downstream side of Newburyport Turnpike bridge over the Mill River at northern corporate limits.....		At downstream corporate limits.....	
Entire west shoreline of Little Pleasant Bay.....		Upstream side of Boston and Maine Railroad bridge over the Rowley River.....		Warren Reservoir: Entire shoreline.....	
Area along Namequoit Road at Paw Wah Pond.....		Downstream side of Boston and Maine Railroad bridge at southern corporate limits.....		Heath Brook: At southern corporate limits.....	
The River:		Mill River:		Maps available for inspection at the Town Clerk's Office, Swansea, Massachusetts.	
Shoreline at the mouth of The River.....		Upstream side of Newburyport Turnpike.....		MICHIGAN	
Shoreline at Frost-Fish Cove.....		Upstream side of Glen Street.....		Huron (Township), Wayne County	
Namequoit River: Entire shoreline.....		Downstream side of Mill Dam.....		North Branch Swan Creek:	
Maps available for inspection at the Office of Eleanor Bennison, Administrative Assistant, Town Hall, Orleans, Massachusetts.		Upstream side of Mill Dam.....		About 400 feet upstream from Will Carleton Drive.....	
Plymouth (Town), Plymouth County (FEMA Docket No. 6645)		Maps available for inspection at the Planning Board, Town Hall, Rowley, Massachusetts.		About 300 feet downstream of confluence of Townline Drain.....	
Massachusetts Bay:		Salisbury (Town), Essex County (FEMA Docket No. 6645)		Hand Drain:	
Shoreline of Saquish Neck at Duxbury-Plymouth corporate limits.....		Merrimack River:		Just upstream of confluence with Silver Creek.....	
Shoreline of Saquish Neck approximately 2,200 feet south of Duxbury-Plymouth corporate limits.....		At upstream corporate limits.....		Just downstream of Versailles Lane.....	
Southern shoreline of Saquish Neck.....		Approximately 1 mile downstream of upstream corporate limits.....		Maps available for inspection at the Supervisor's Office, Huron Township Hall, 37290 Huron River Drive, New Boston, Michigan.	
Northern shoreline of Saquish Neck.....		Atlantic Ocean:		Taylor (City), Wayne County (FEMA Docket No. 6703)	
Southeast shoreline of Clarks Island.....		Shoreline at north corporate limits.....		Sexton-Killbuck Drain:	
Shoreline at Hedge Road (extended).....		At intersection of North End Boulevard and Beach Road.....		Just upstream of Pelham Road.....	
Shoreline at confluence of Town Brook.....		Shoreline at Ocean Street (extended).....		About 1,750 feet upstream of Holland Road.....	
Shoreline of west side of Long Beach.....		Shoreline east of Railroad Avenue and Atlantic Avenue intersection.....		North Branch Ecorse Creek:	
Shoreline east of breakwater on Long Beach.....		Shoreline at mouth of Merrimack River at south corporate limits.....		Just upstream of Pelham Road.....	
Shoreline at Gate Road (extended).....		Shoreline of Merrimack River at confluence of Shad Creek.....		About 775 feet upstream of Harold Road.....	
Area along eastern shoreline of Saquish Neck.....		At U.S. Route 1 crossing over Merrimack River.....		Frank and Poet Drain:	
Area of Warren Avenue approximately 1,200 feet northwest of intersection with Clifford Road.....		Shallow Flooding:		Just upstream of Allen Road.....	
Shoreline approximately 1,800 feet east of Gate Road (extended).....		Area east of intersection of 16th Street West and North End Boulevard.....		Just downstream of Inkster Road.....	
Cape Cod Bay:		Area approximately 150 feet southeast of intersection of Central Avenue and North End Boulevard.....		Sutliff and Kenope Drain:	
Shoreline at Warrendale Road (extended).....		Area northeast of Drift Way and Central Avenue intersection.....		Just upstream of North Line Road.....	
Shoreline at Homer Avenue (extended).....		Maps available for inspection at the Office of the Building Inspector's, Salisbury, Massachusetts.		Just downstream of Inkster Road.....	
Shoreline at Hiawatha Road (extended).....		Somerville (City), Middlesex County (FEMA Docket No. 6682)		Blakely Drain:	
Shoreline at Indian Hill Road (extended).....		Mystic River:		Just upstream of Pennsylvania Road (near Corral).....	
Shoreline at George Street (extended).....		Upstream side of Amelia Earhart Dam.....		Just downstream of Pennsylvania Road (at upstream corporate limits).....	
Shallow flooding areas along shoreline.....		At Interstate Route 93 and corporate limit.....		Brighton Drain: Within community.....	
Bartlett Pond: Entire shoreline of Bartlett Pond.....		At confluence of Alewife Brook.....		Maps available for inspection at the Director of Public Works Office, City Hall, 23555 Goddard, Taylor, Michigan.	
		Alewife Brook: At Henderson Street.....			
		Atlantic Ocean: Downstream side of Amelia Earhart Dam and at corporate limit.....			

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
MINNESOTA					
Detroit Lakes (City), Becker County, (FEMA Docket No. 6690)		First Creek:		Just upstream of Interstate 35.....	*816
<i>Pelican River:</i>		About 0.78 mile downstream of Northwest 128th Street (at corporate limits).....	*696	Just downstream of North Parvin Road.....	*816
Just upstream of confluence with Detroit Lake.....	*1,336	Just upstream of Northwest Baughman Road.....	*970	Just upstream of North Parvin Road.....	*821
About 1,500 feet downstream of State Highway 34.....	*1,349	Second Creek:		About 850 feet upstream of North Parvin Road.....	*822
<i>Detroit Lake: Shoreline.....</i>	*1,336	About 2.95 miles downstream of Cookingham Drive (at corporate limits).....	*685	Buckeye Creek:	
Maps available for inspection at the City Hall, Detroit Lakes, Minnesota.		Just downstream of Cookingham Drive.....	*924	At confluence with Missouri River.....	*743
		Just upstream of Cookingham Drive.....	*931	About 0.26 mile upstream of Northeast 38th Street.....	*790
		Just downstream of Northwest 100th Street.....	*979	Searcy Branch:	
		Just upstream of Northwest 100th Street.....	*984	At confluence with Missouri River.....	*743
		Second Creek West Branch:		Just downstream of State Highway 210 Access Road.....	*743
		At confluence with Second Creek.....	*943	Just upstream of State Highway 210 Access Road.....	*748
Kennedy (City), Kittson County (FEMA Docket No. 6690)		About 1.10 miles upstream of Northwest 108th Street.....	*970	Just downstream of New Street.....	*750
<i>County Ditch No. 4:</i>		Rocky Branch:		Just upstream of New Street.....	*755
About 650 feet downstream from Burlington Northern railroad.....	*823	Just downstream of Northeast 132nd Street	*687	Just downstream of Russell Road.....	*775
About 0.6 mile upstream from 5th Street.....	*828	About 1.39 miles upstream of Northeast 132nd Street.....	*916	Just upstream of Russell Road.....	*783
Maps available for inspection at City Hall, Kennedy, Minnesota.		Brush Creek (Platte County):		Just downstream of Parvin Road.....	*784
		About 1.79 miles downstream of Hampton Road (at corporate limits).....	*824	Just upstream of Parvin Road.....	*795
		About 1.73 miles upstream of North Childress Avenue.....	*930	Unnamed Creek at Randolph East Branch:	
		Line Creek:		At confluence with Missouri River.....	*742
		About 300 feet downstream of Interstate 29.....	*769	About 0.16 mile upstream of Birmingham Road.....	*744
		About 1.76 miles upstream of Northwest 68th Street.....	*885	Unnamed Creek at Randolph North Branch:	
		Waukomis Lake Tributary:		Just downstream of Interstate 435 southbound.....	*761
		At confluence with Line Creek.....	*828	About 920 feet upstream of Interstate 435 southbound.....	*771
		About 0.84 mile upstream of Northwest Bryan Avenue.....	*679	Blue River:	
		East Fork Line Creek:		About 1.25 miles downstream of Interstate 435 (at corporate limits).....	*740
		At confluence with Line Creek.....	*793	About 0.77 mile upstream of Kenneth Road (at corporate limits).....	*878
		About 0.81 mile upstream of Hidden Lakes Drive.....	*884	Round Grove Creek:	
		Old Maids Creek:		At confluence with Blue River.....	*769
		At confluence with Line Creek.....	*778	About 0.43 mile upstream of Raytown Road.....	*862
		Just downstream of Northwest Waukomis Drive.....	*784	Unnamed Tributary No. 1:	
		Just upstream of Northwest Waukomis Drive.....	*794	At confluence with Round Grove Creek.....	*802
		About 0.95 mile upstream of Platte County-Clay County Boundary.....	*868	Just downstream of Oklahoma, Kansas and Texas Railroad.....	*828
		East Creek:		Just upstream of Oklahoma, Kansas and Texas Railroad.....	*838
		About 850 feet downstream of U.S. Highway 69.....	*769	About 400 feet upstream of 43rd Street.....	*884
		Just downstream of Interstate 29.....	*782	Unnamed Tributary No. 2:	
		Just upstream of Interstate 29.....	*797	At confluence with Round Grove Creek.....	*848
		Just downstream of Englewood Bridge Road.....	*830	Just downstream of Pittman Road.....	*878
		Just upstream of Englewood Bridge Road.....	*835	Just upstream of Pittman Road.....	*883
		Just downstream of U.S. Highway 169.....	*856	Just downstream of Sterling Avenue.....	*936
		Just upstream of U.S. Highway 169.....	*866	Just upstream of Sterling Avenue.....	*944
		Just upstream of Northwest 58th Street.....	*867	About 520 feet upstream of Claremont Avenue.....	*978
		Burlington Creek:		Brush Creek (Jackson County):	
		About 1270 feet downstream of Northwest 53rd Terrace.....	*797	At confluence with Blue River.....	*771
		Just upstream of North Helena Avenue.....	*837	Just downstream of Prospect Avenue.....	*774
		Shoal Creek:		Just upstream of Prospect Avenue.....	*784
		Just downstream of Burlington Northern railroad.....	*735	Just downstream of Woodland Avenue.....	*788
		Just downstream of North Oak Street.....	*937	Just upstream of Woodland Avenue.....	*793
		Little Shoal Creek:		Just downstream of Paseo Boulevard.....	*796
		Just downstream of Interstate 35.....	*798	Just upstream of Paseo Boulevard.....	*809
		About 1.42 miles upstream of Northeast 76th Street.....	*828	Just downstream of State Line Road.....	*852
		Mill Creek:		Town Fork Creek:	
		About 465 feet downstream of confluence of Mill Creek Tributary.....	*781	Just downstream of Swope Parkway.....	*771
		Just downstream of Cypress Road.....	*838	Just upstream of Swope Parkway.....	*789
		Just upstream of Cypress Road.....	*844	Just downstream of 51st Street.....	*794
		Just upstream of Northeast 56th Street.....	*888	Just upstream of 51st Street.....	*797
		Rock Creek Tributary:		Just upstream of 55th Street.....	*803
		At confluence with Mill Creek.....	*828	Just downstream of 57th Street.....	*812
		About 1.09 miles upstream of confluence with Mill Creek.....	*849	Just downstream of 59th Street.....	*826
		East Fork Shoal Creek:		Just upstream of 59th Street.....	*833
		At confluence with Shoal Creek.....	*798	Just downstream of Citadel Drive.....	*854
		About 1295 feet upstream of Northeast Stanley Road.....	*925	Indian Creek:	
		Fishing River:		At confluence with Blue River.....	*800
		About 0.43 mile downstream of Home Street (at corporate limits).....	*861	About 0.47 mile upstream of 103rd Street (at corporate limits).....	*830
		Just downstream of North Stark Avenue.....	*903	Dyke Branch:	
		Missouri River:		At confluence with Indian Creek.....	*800
		About 6.80 miles downstream of Harry S. Truman Bridge.....	*734	Just downstream of southbound Ward Parkway.....	*849
		About 3.39 miles upstream of Broadway Highway Bridge (at corporate limits).....	*757	Little Blue River:	
		Rock Creek (Avondale):		About 320 feet upstream of Lee's Summit Road.....	*784
		About 160 feet downstream of Antioch Road.....	*778	Just downstream of Longview Lake Dam.....	*824
		Just downstream of Interstate 35.....	*811	About 4.90 miles upstream of Longview Lake Dam (at corporate limits).....	*908
				Little Cedar Creek:	
				At confluence with Little Blue River.....	*800
				About 1.2 miles upstream of Rhinehart Road.....	*808
				White Oak Creek:	
				At confluence with Little Blue River.....	*808
				About 0.5 mile upstream of Military Club Road.....	*808

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Lumpkin Fork:		Maps available for inspection at the City Clerk's Office, Morrison, Missouri.		Intersection of Portsmouth Avenue and Woodstock Street.....	*9
At confluence with Little Blue River.....	*907			Old Beach Road at western corporate limits.....	*9
Just downstream of 155th Street.....	*946			Maps available for inspection at the Warren West Building, Route 1A, Seabrook, New Hampshire.	
Hickman Mills Creek:		NEBRASKA		NEW JERSEY	
At confluence with Blue River.....	*795	Hall County (Unincorporated Areas), (FEMA Docket No. 6696)		Rockaway (Township), Morris County (FEMA Docket No. 6696)	
About 2950 feet upstream of Burlington Northern railroad.....	*905	Middle Channel Platte River:		Rockaway River:	
Shallow Flooding (ponding behind Birmingham District Levee):		About 600 feet above U.S. Highway 34.....	*1,840	At downstream corporate limits.....	*541
At intersection of Northeast 49th Street and Northeast Birmingham Road.....	*726	About western county boundary.....	*2,010	At the first upstream corporate limits.....	*553
About 600 feet northeast of intersection of Northeast Vrooman Drive and North Maywood Avenue.....	*732	South Channel Platte River:		At the second upstream corporate limits.....	*660
Shallow Flooding (ponding behind Norfolk Southern Railway and Oklahoma Kansas and Texas Railroad): About 1000 feet southwest of intersection of Northeast Elden Avenue and State Highway 210.....	#2	About 0.6 mile downstream of State Highway 2.....	*1,835	At the third upstream corporate limits.....	*662
Shallow Flooding (ponding behind Northeast Industrial District Levee):		About 0.4 mile upstream of County Road 7.....	*1,963	Pequannock River:	
About 350 feet west of intersection of Harry S. Truman Bridge and a road atop the Northeast Industrial District Levee.....	*728	Prairie Creek:		At downstream corporate limits.....	*744
At intersection of Kenworth Avenue and Southern Road.....	*736	About 1.6 miles upstream of U.S. Highway 281.....	*1,861	At upstream side of New York-Susquehanna and Western Railroad.....	*749
At intersection of Gardner Avenue and Monroe Avenue.....	*740	About 2.2 miles upstream of Burlington Northern Railroad.....	*1,901	At upstream corporate limits.....	*753
Shallow Flooding (ponding behind North Kansas City Levee):		Silver Creek:		Beaver Brook:	
At intersection of Harlem Road and Walnut Street.....	*742	About 1.0 mile upstream of County Road 141.....	*1,855	At downstream corporate limits.....	*519
Shallow Flooding (ponding behind Central Industrial District Levee):		About 2.8 miles upstream of U.S. Government Railroad.....	*1,899	At upstream side of Old Beach Glen Road.....	*523
At intersection of 9th Street and Wyoming Street.....	*747	Moores Creek:		Approximately 1,000 feet downstream of Meridan-Lyonsville Road.....	*536
Shallow Flooding (sheet flow near Central Business District):		Just upstream of County Road 141.....	*1,846	Green Pond Brook:	
At intersection of 19th Street and Wyoming Street.....	#1	About 0.6 mile upstream of U.S. Highway 281.....	*1,859	At confluence with Rockaway River.....	*612
At intersection of Kansas City Terminal Railway and Burlington Northern south of 25th Street.....	#2	Wood River:		At downstream side of Interstate Route 80 access ramp to State Route 15.....	*625
At intersection of 28th Street and Southwest Boulevard.....	#3	About 0.6 mile downstream of Shady Bend Road.....	*1,830	Upstream side of Corral culvert.....	*644
Maps available for inspection at City Hall, 414 East 12th Street, Kansas City, Missouri.		About 4.5 miles upstream of U.S. Highway 30.....	*1,956	At upstream corporate limits.....	*684
Lafayette County (Unincorporated Areas) (FEMA Docket No. 6690)		Maps available for inspection at the Regional Planning Commission, City Hall, Grand Island, Nebraska.		Hibernia Brook:	
Missouri River:		Rulo (City), Richardson County, (FEMA Docket No. 6696)		At confluence with Beaver Brook.....	*521
About 6.5 miles downstream of U.S. Highway 65.....	*670	Missouri River:		At upstream side of Green Pond Road.....	*548
About 14 miles upstream of State Highway 13.....	*711	About 1.2 miles downstream of U.S. Highway 159.....	*861	White Meadow Brook:	
Maps available for inspection at the Lafayette County Courthouse, Second Floor, Lexington, Missouri.		About 1.2 miles upstream of Burlington Northern Railroad.....	*864	At confluence with Beaver Brook.....	*519
Lake Winnebago (City), Cass County, (FEMA Docket No. 6696)		Maps available for inspection at the City Clerk's Office, Rulo, Nebraska.		At upstream side of dam located between Green Pond Road and Omaha Avenue.....	*573
Lake Winnebago: Within community.....	*922	Wood River (City), Hall County, (FEMA Docket No. 6696)		At upstream side of Upper Mountain Avenue.....	*630
Maps available for inspection at the City Hall, 75 Padricah Lane, Lake Winnebago, Missouri.		Wood River:		At upstream side of White Meadow Lake Dam.....	*713
Mokana (Village), Callaway County, (FEMA Docket No. 6696)		About 0.7 mile downstream of County Highway 36.....	*1,956	At upstream side of South Brookside Drive.....	*781
Missouri River: Within community.....	*538	About 1.7 miles upstream of District 83 Road.....	*1,973	At upstream side of Mount Hope Lake Dam.....	*801
Maps available for inspection at the City Clerk's Office, City Hall, Mokana, Missouri.		Maps available for inspection at the City Hall, Wood River, Nebraska.		Tributary to Pequannock River:	
Moniteau County (Unincorporated Areas) (FEMA Docket No. 6703)		NEW HAMPSHIRE		At confluence with Pequannock River.....	*749
Missouri River:		Lisbon (Town), Grafton County (FEMA Docket No. 6690)		At upstream side of Green Pond Road.....	*765
About 3.4 miles downstream of confluence of Factory Creek.....	*572	Ammonoosuc River:		Tanglewood Brook:	
About 3.7 miles upstream of confluence of Petite Saline Creek.....	*588	Downstream corporate limits.....	*550	At corporate limits.....	*575
Maps available for inspection at the County Commission, California, Missouri.		Upstream side of dam.....	*578	At upstream side of Mekeel Drive.....	*605
Morrison (City), Gasconade County, (FEMA Docket No. 6696)		Upstream side of U.S. Route 302.....	*601	Maps available for inspection at 65 Mount Hope Road, Rockaway, New Jersey.	
Missouri River: Within community.....	*528	Confluence of Gale River.....	*659	NEW MEXICO	
Seabrook Beach Village District, Rockingham County (FEMA Docket No. 6690)		Downstream side of Sherman Road.....	*662	Las Vegas (City), San Miguel County (FEMA Docket No. 6696)	
Atlantic Ocean:		Upstream corporate limits.....	*690	Gallinas Creek:	
Approximately 100 feet east of Tilton Street at eastern corporate limits.....	*12	Maps available for inspection at the Board of Selectmen's Office, 21 School Street, Lisbon, New Hampshire.		Downstream corporate limits.....	*6,378
		New Castle (Town), Rockingham County (FEMA Docket No. 6649)		Upstream side of Grand Avenue.....	*6,401
		Atlantic Ocean:		Upstream side of National Street.....	*6,433
		Shoreline on east side of Jaffray Point.....	*18	Upstream side of Mills Avenue.....	*6,458
		Shoreline at Ocean Avenue (extended).....	*14	Approximately 575 feet upstream of upstream corporate limits.....	*6,473
		North shoreline of Goat Island.....	*11	Gallinas Creek Shallow Flooding Area:	
		Shoreline at Laurel Lane.....	*9	Intersection of Lincoln and Tenth Street.....	#1
		Entire shoreline of Campbells Island.....	*9	Intersection of Jackson and Tenth Street.....	#2
		Maps available for inspection at the Clerk's Vault, Town Hall, New Castle, New Hampshire.		Intersection of Bridge and Twelfth.....	#3
		Seabrook Beach Village District, Rockingham County (FEMA Docket No. 6690)		Arroyo Pecos:	
				Downstream corporate limits.....	*6,378
				Upstream side of State Routes 65 and 104.....	*6,392
				Upstream side of Interstate 25.....	*6,427
				Approximately 850 feet upstream of Atchison, Topeka, and Santa Fe Railroad bridge.....	*6,436
				Upstream side of U.S. Route 85.....	*6,451
				Approximately 250 feet upstream of U.S. Route 85.....	*6,455
				Arroyo Hermanos:	
				Confluence with Gallinas Creek.....	*6,436
				Approximately 20 feet upstream of North Gonzales Street.....	*6,445
				Upstream side of Church Street.....	*6,461
				40 Feet upstream of Lopez Street.....	*6,491
				Arroyo Pajanto:	
				Confluence with Gallinas Creek.....	*6,414
				Upstream side of South Pacific Street.....	*6,428
				Upstream side of New Mexico Avenue.....	*6,444

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Downstream side of Salazar Street.....	*6,473	OHIO		Maps available for inspection at the Clerk's Office, Town Hall, 86 Franklin Street, Spring- ville, New York.	
Maps available for inspection at the City Admin- istration Building, 1700 North Grand, Las Vegas, New Mexico.		Evendale (Village), Hamilton County, (FEMA Docket No. 6896)		Horseheads (Town), Chemung County (FEMA Docket No. 6690)	
NEW YORK		Mill Creek:		Newtown Creek:	
Brewster (Village), Putnam County (FEMA Docket No. 6682)		About 0.5 mile downstream of Evendale Drive.....		Downstream corporate limits.....	
East Branch Croton River:		About 1.2 miles upstream of Glendale-Milford Road.....		Approximately 300 feet upstream State Route 17.....	
At confluence of Tonetta Brook.....	*315	Sharon Creek:		Upstream side of State Route 13.....	
At upstream corporate limits.....	*334	At mouth.....		Upstream side of Bowman Hill Road.....	
Tonetta Brook:		Just upstream of Conrail.....		At First Street.....	
At confluence with East Branch Croton River.....	*315	Sharon Creek Tributary:		North Branch Newtown Creek:	
Upstream side of Marvin Avenue.....	*350	At mouth.....		Confluence with Newtown Creek.....	
Downstream side of New York Route 6.....	*404	About 0.08 mile upstream of mouth.....		Upstream side of State Route 223.....	
At upstream corporate limits.....	*411	Maps available for inspection at the Municipal Building, 10500 Reading Road, Evendale, Ohio.		Corporate limits.....	
Maps available for inspection at the Brewster Village Hall, 208 East Main Street, Brewster, New York.		North College Hill (City), Hamilton County, (FEMA Docket No. 6696)		Beaver Brook:	
Candor (Town), Tioga County (FEMA Docket No. 6690)		West Fork Lake Tributary:		Confluence with Newtown Creek.....	
Owego Creek:		About 650 feet downstream of Foxwood Drive.....		Upstream side of Access Road Bridge.....	
Approximately 425 feet downstream of corpo- rate limits.....	*857	Just downstream of Foxwood Drive.....		Upstream side of State Route 13.....	
At confluence of West Branch Owego Creek.....	*881	Just upstream of Foxwood Drive.....		Upstream side of Bowman Hill Terrace.....	
West Branch Owego Creek:		Just upstream of Sundale Avenue.....		Bowman Hill Road.....	
At confluence with Owego Creek.....	*881	Just downstream of Emerson Avenue.....		Catherine Creek:	
Approximately 120 feet downstream of Blewer Road.....	*924	About 300 feet upstream of Emerson Avenue.....		Downstream corporate limits.....	
Upstream side of West Newark Cross Road.....	*984	Tributary A:		Upstream side of Middle Road.....	
Approximately 2.7 miles upstream of West Newark Cross Road.....	*1,030	At mouth.....		Upstream corporate limits.....	
Cattaraugus Creek:		Just downstream of Southridge Drive.....		Tributary No. 5 to Catherine Creek:	
Approximately 250 feet downstream of corpo- rate limits.....	*844	Shallow Flooding (ponding from rainfall): At inter- section of Hamilton Avenue and Catalpa Avenue.....		Confluence with Catherine Creek.....	
Approximately 80 feet upstream of corporate limits.....	*846	Maps available for inspection at the Municipal Building, 1646 West Galbraith Road, Cincinnati, Ohio.		Upstream side of Ridge Road.....	
Maps available for inspection at the Candor Town Hall, Candor, New York.		TEXAS		Corporate limits.....	
Chester (Town), Orange County (FEMA Docket No. 6682)		Clarendon (City), Donley County (FEMA Docket No. 6690)		Prospect Creek:	
Black Meadow Creek:		Clarendon Creek East:		Downstream corporate limits.....	
At most downstream corporate limits.....	*405	Approximately 560 feet upstream of Clarendon Lake.....		Upstream side of Hickory Grove Road.....	
First upstream corporate limits.....	*450	Upstream corporate limits.....		Upstream side of footbridge.....	
At most upstream corporate limits.....	*480	Clarendon Creek West:		Upstream side of Quarry Road.....	
Black Meadow Creek Tributary 4:		Approximately 280 feet upstream of Clarendon Lake.....		Upstream corporate limits.....	
At confluence with Black Meadow Creek.....	*475	At Third Street.....		McCann's Tributary:	
Upstream side of Pine Hill Road.....	*512	Tributary 1:		Approximately 530 feet downstream of foot- bridge to school.....	
Seely Brook:		At confluence with Clarendon Creek East.....		Footbridge to school.....	
At downstream corporate limits.....	*428	Upstream corporate limits.....		Approximately 200 feet upstream of Lenox Avenue.....	
Upstream side of New York Route 17.....	*431	Tributary 1A:		Halderman Hollow Creek:	
Trout Brook:		At confluence with Tributary 1A.....		Camden Avenue.....	
Approximately 0.75 mile downstream of Able Noble Drive.....	*443	Approximately 420 feet downstream of corpo- rate limits.....		Oakwood Avenue.....	
Upstream side of Able Noble Drive.....	*461	Tributary 2:		State Route 328.....	
Approximately 40 feet upstream of Bull Mills Road.....	*481	Upstream of Fourth Street at confluence with Clarendon Creek East.....		Upstream side of Lenox Avenue.....	
Upstream side of Laroe Road.....	*520	Downstream of McClelland Street.....		Shallow Flooding: South of Abandoned Railroad..	
Upstream side of Trout Brook Road.....	*580	Tributary 3:		Maps available for inspection at the Town Hall, 150 Wygant Road, Horseheads, New York.	
Upstream side of Tyler Place.....	*605	At confluence with Clarendon Creek East.....		Horseheads (Village), Chemung County (FEMA Docket No. 6690)	
Upstream side of New York Route 5.....	*632	Approximately 300 feet upstream of upstream corporate limits.....		Newtown Creek:	
Upstream corporate limits.....	*642	Western Tributary:		Downstream corporate limits.....	
Maps available for inspection at the Chester Town Hall, Kings Highway, Chester, New York.		Approximately 880 feet downstream of down- stream corporate limits.....		Upstream side of Route 17.....	
Chester (Village), Orange County (FEMA Docket No. 6690)		Upstream corporate limits.....		Upstream side of West Mill Street.....	
Black Meadow Creek:		Sheet runoff—(Clarendon Creek East): South of 2nd and 3rd Streets and north of 4th Street and between 150 feet west of Ellerbe Street and Gorst Street.....		Upstream corporate limits.....	
At downstream corporate limits.....	*450	Maps available for inspection at the City Hall, Clarendon, Texas.		Prospect Creek:	
Upstream side of New York Route 17.....	*468	NEW YORK		Upstream side of North Main Street.....	
At upstream corporate limits.....	*475	Concord (Town), Erie County (FEMA Docket No. 6690)		Upstream side of Conrail.....	
Black Meadow Creek Tributary 3:		Spring Brook:		Upstream side of Gardner Road.....	
At confluence with Black Meadow Creek.....	*475	At upstream side of North Street.....		Upstream side of Westinghouse Road.....	
Approximately 200 feet upstream of Conrail.....	*479	Approximately 0.8 mile upstream of North Street.....		Upstream corporate limits.....	
Black Meadow Creek Tributary 4:		At downstream side of Middle Road.....		Beaver Brook:	
At confluence with Black Meadow Creek.....	*475			Upstream side of Access Road.....	
At upstream corporate limits.....	*475			At most upstream corporate limits.....	
Maps available for inspection at the Village Hall, 47 Main Street, Chester, New York.				Catherine Creek:	
				Portion of Old Chemung Canal within community.....	
				Approximately 700 feet west of Old Chemung Canal at northern corporate limits.....	
				Maps available for inspection at the Village Hall, 202 South Main Street, Horseheads, New York.	
				Kent (Town), Putnam County (FEMA Docket No. 6682)	
				Middle Branch Croton River:	
				At downstream corporate limits.....	
				Upstream side of New York Route 45.....	
				Approximately 60 feet upstream of dam.....	
				Stump Pond Stream:	
				At confluence with Lake Carmel.....	
				Upstream side of Bowen Road.....	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Upstream side of Route 1-84	*703	Approximately 400 feet southwest of end of Hemlock Road	*1,122	Thurman (Town), Warren County (FEMA Docket No. 6690)	
At upstream corporate limits	*750	Confluence of Prosser Hollow	*1,144	<i>Hudson River:</i>	
Maps available for inspection at the Kent Town Hall, 280 Smadbeck Avenue, Carmel, New York 10512.		Upstream corporate limits	*1,159	At State Route 418	*618
				Approximately 4.0 miles upstream of State Route 418	*850
Mount Kisco (Village), Westchester County (FEMA Docket No. 6676)		Maps available for inspection at the Oneonta Town Hall, Oneonta, New York.		Approximately 7.8 miles upstream of State Route 418	*715
<i>Kisco River:</i>		Putnam (Town), Washington County (FEMA Docket No. 6690)		Maps available for inspection at the Thurman Town Hall, Athol, New York.	
At downstream corporate limits	*275	<i>Lake Champlain:</i> Entire shoreline within community	*102	Walkill (Town), Orange County (FEMA Docket No. 6676)	
At confluence with Branch Brook	*281	Maps available for inspection at the Putnam Town Hall, Putnam Station, New York.		<i>Walkill River:</i>	
At confluence with Kisco River Tributary 1	*283			At downstream corporate limits	*360
Upstream side of Lexington Avenue	*294			At confluence with Walkill River Tributary I	*362
Upstream side of NY Route 117	*326			At confluence with Walkill River Tributary II	*365
Approximately 60 feet upstream of Byram Lake Road	*344			At confluence with Masonic Creek	*365
<i>Kisco River Tributary 1:</i>		Somers (Town), Westchester County (FEMA Docket No. 6690)		At upstream corporate limits	*366
At confluence with Kisco River	*283	<i>Muscoot River:</i>		<i>Walkill River Tributary I:</i>	
At upstream corporate limits	*285	At confluence with Amawalk Reservoir	*397	At confluence with Walkill River	*362
<i>Branch Brook:</i>		Upstream side of Conrail	*459	Upstream side of Route 84	*383
At confluence with Kisco River	*281	Upstream side of Mahopac Avenue	*480	At upstream corporate limits	*395
Upstream side of NY Route 133 and West Main Street	*285	At upstream corporate limits	*513	<i>Walkill River Tributary II:</i>	
At upstream corporate limits	*293	<i>Plum Brook:</i>		At confluence with Walkill River	*365
Maps available for inspection at the Village Engineer's Office, Village Hall, 104 Main, Mount Kisco, New York.		At confluence with New Croton Reservoir	*201	Upstream side of NY Route 17	*437
Nichols (Village), Tioga County (FEMA Docket No. 6690)		Upstream side of Brick Mill Road	*270	Upstream side of Route 84	*449
<i>Susquehanna River:</i>		Upstream side of New York Route 202	*311	Upstream side of Ballard Road	*463
Downstream corporate limits (extended)	*793	At confluence of Plum Brook Tributary 1	*403	Upstream side of Conrail	*503
Approximately 580 feet downstream of confluence of Wappasening Creek	*795	At upstream corporate limits	*499	Upstream side of NY Route 211	*544
Wappasening Creek: Entire shoreline of Wappasening Creek within community	*795	<i>Plum Brook Tributary 1:</i>		<i>Masonic Creek:</i>	
Maps available for inspection at the Village Hall, Nichols, New York.		At confluence with Plum Brook	*403	At confluence with Walkill River	*365
		Approximately 310 feet upstream of Lake Shore Drive	*476	Upstream side of Route 84	*404
Oneonta (Town), Otsego County (FEMA Docket No. 6690)		<i>Brown Brook:</i>		Upstream side of Main Street	*443
<i>Susquehanna River:</i>		At confluence with New Croton Reservoir	*194	Upstream side of 1st Conrail crossing	*473
Area northwest of State Route 7 at corporate limits extending .5 mile along road	*1,057	Upstream side of New York Route 202	*246	Upstream side of NY Route 211	*520
Downstream corporate limits	*1,058	Upstream side of Heritage Hills Drive	*279	Upstream side of 2nd Conrail crossing	*535
Confluence of Otsego Creek	*1,059	Upstream side of Green Briar Lane	*353	Upstream side of dam just upstream of Bisch Road	*578
Area north of Interstate 88 and south of the Delaware and Hudson	#2	Approximately .5 mile upstream of Warren Street	*427	Upstream side of NY Route 302	*597
Railway from City of Oneonta corporate limits to State Route 23		Maps available for inspection at The Elephant Hotel, Routes 202 and 100, Somers, New York.		Upstream side of Bowser Road	*631
Approximately 200 feet upstream of State Route 23	*1,063	Southeast (Town), Putnam County (FEMA Docket No. 6676)		<i>Mannayunk Kill:</i>	
Approximately 1 mile upstream of State Route 23	*1,069	<i>Middle Branch Croton River:</i>		At downstream corporate limits	*357
Downstream side of Main Street	*1,079	At confluence with Middle Branch Croton Reservoir	*375	Upstream side of second crossing of Vanamburgh Road	*386
Downstream side of Grand Avenue	*1,081	Upstream side of Barrett Road	*436	At most upstream corporate limits	*409
Downstream side of dam	*1,084	At upstream corporate limits	*495	<i>Shawangunk Kill:</i>	
Upstream side of dam	*1,088	<i>East Branch Croton River:</i>		At downstream corporate limits	*420
Upstream side of Abandoned Railroad	*1,097	At confluence with Diverting Reservoir	*312	At confluence with Shawangunk Kill Tributary I	*448
Confluence of Charlotte Creek	*1,101	Downstream side of Interstate 84	*341	Upstream side of Hubbard Road	*482
Downstream side of County Route 47	*1,104	Approximately 450 feet upstream of Interstate Route 684 and NY Route 22	*405	At confluence with Little Shawangunk Kill	*515
Upstream corporate limits	*1,110	At confluence with East Branch Reservoir	*419	Upstream side of Meyer Road	*541
<i>Otsego Creek:</i>		At upstream corporate limits	*429	At upstream corporate limits	*565
Confluence with the Susquehanna River	*1,059	<i>Tonetta Brook:</i>		<i>Shawangunk Kill Tributary I:</i>	
Approximately 250 feet upstream of Pony Farm Road	*1,060	At downstream corporate limits	*411	At confluence with Shawangunk Kill	*448
Downstream side of County Route 8	*1,066	Upstream side of Brewster North Station Road	*433	Upstream side of York Road	*509
Approximately 320 feet downstream of confluence of Beckers Canal	*1,069	Approximately 400 feet upstream of Pumphouse Road	*448	Upstream side of dam just upstream of Prosperous Valley Road	*563
Upstream side of State Route 23	*1,071	<i>Holly Stream:</i>		Approximately 50 feet upstream of Dosen Road	*604
Approximately 50 feet upstream of confluence of Harrison Creek	*1,075	At confluence with East Branch Croton River	*273	<i>Shawangunk Kill Tributary II:</i>	
Upstream corporate limits	*1,081	Upstream side of NY Routes 22 and 202	*285	At downstream corporate limits	*448
<i>Beckers Canal:</i>		Upstream side of Guinea Road	*295	Upstream side of 1st NY Route 17K crossing	*493
Confluence with Otsego Creek	*1,069	Upstream side of Interstate Route 684	*309	Upstream side of second NY Route 17K crossing	*549
Downstream side of State Route 23-205	*1,083	Approximately 650 feet upstream of Interstate Route 684	*313	Upstream side of third NY Route 17K crossing	*574
Approximately 60 feet upstream of State Route 23-205	*1,094	Maps available for inspection at the Southeast Town Hall, Main Street, Brewster, New York.		<i>Little Shawangunk Kill:</i>	
Downstream side of Chestnut Street	*1,110	Springville (Village), Erie County (FEMA Docket No. 6690)		At confluence with Shawangunk Kill	*515
Approximately 50 feet downstream of Winnie Hill Road	*1,122	<i>Spring Brook:</i>		Upstream side of Brola Road	*554
Area south of mall building and northeast of Chestnut Street bridge	#1	At upstream side of South Buffalo Street	*1,308	At upstream corporate limits	*592
<i>Charlotte Creek:</i>		At downstream side of Main Street culvert	*1,317	Maps available for inspection at the Town Hall, 600 Route 211 East, Middletown, New York.	
Confluence with Susquehanna River	*1,101	At North Street	*1,344		
		Maps available for inspection at the Village Hall, Springville, New York.		NORTH CAROLINA	
				Bald Head Island (Village), Brunswick County (FEMA Docket No. 6676)	
				<i>Atlantic Ocean:</i>	
				At intersection of Sabal Palm Trail and Stede Bonnet Wynd	*9
				Along shoreline	*16
				Maps available for inspection at the Bald Head Island Limited, Southport, North Carolina.	

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Carolina Beach (Town), New Hanover County, (FEMA Docket No. 6665)					
<i>Atlantic Ocean:</i>					
At the intersection of 4th Street and Charlotte Avenue	*10	<i>Middle Branch:</i>		Linn County (Unincorporated Areas) (FEMA Docket No. 6696)	
Entire shoreline within Extraterritorial limits	*16	At confluence with Coweta Creek	*608	<i>Ames Creek:</i> Approximately 250 feet upstream from center of road approximately 200 feet upstream from City of Sweet Home corporate limits	*569
<i>Cape Fear River:</i> Within Extraterritorial limits	*10	Upstream face of North Street	*620	<i>Calapooia River:</i> Approximately 100 feet upstream from center of State Route 69E Bridge	*249
Maps available for inspection at the Town Hall, Carolina Beach, North Carolina.		At upstream corporate limits	*640	<i>Calapooia River Split Flow:</i> Approximately 1500 feet upstream from center of 53rd Avenue in the City of Albany	*213
NORTH DAKOTA		<i>South Branch:</i>			
Beach (City), Golden Valley County (FEMA Docket No. 6696)		At confluence with Middle Branch	*610	<i>Oak Creek:</i> Approximately 100 feet upstream from center of Columbus Street Bridge	*228
<i>Little Beaver Creek:</i> Approximately 50 feet upstream from center of State Highway 16 Bridge	*2,746	Upstream face of Missouri-Kansas and Texas Railway	*627	<i>Oak Creek:</i> Approximately 150 feet upstream from center of Vaughn Lane Bridge	*349
<i>Main Tributary:</i> Approximately 30 feet upstream from center of Second Street Bridge	*2,769	Approximately 250 feet upstream of Avenue F	*631	<i>Peters Ditch:</i> Approximately 100 feet upstream from center of State Route 226 Bridge	*315
<i>Northwest Tributary:</i> Approximately 50 feet upstream from center of Fourth Street North Bridge	*2,787	<i>Tributary A:</i>			
Maps available for inspection at City Hall, East Main Street, Beach, North Dakota.		At confluence with Coweta Creek	*632	<i>Santiam River:</i> Approximately 50 feet upstream from center of Southern Pacific Railroad Bridge	*220
OHIO		Upstream face of Division Street	*638	<i>North Santiam River:</i> At center of Greens Bridge	*256
Lockland (Village), Hamilton County (FEMA Docket No. 6690)		Maps available for inspection at the City Hall, 210 Seminole, Coweta, Oklahoma.			
<i>Mill Creek:</i>		OREGON			
About 350 feet downstream of Davis Avenue	*544	Benton County (unincorporated areas) (FEMA Docket No. 6690)			
About 500 feet downstream of Smalley Avenue	*551	<i>Willamette River:</i> At the intersection of U.S. Highway 20 and Juniper Lane			
<i>West Fork Mill Creek:</i>		Mays River: Approximately 300 feet upstream from center of State Highway (Alsea Highway)			
About 1800 feet downstream of Interstate 75	*539	North Fork Alsea River: Approximately 75 feet upstream from center of Alsea-Deadwood Highway (State Highway 201)			
Just downstream of Chessie System	*561	Newton Creek: Approximately 50 feet upstream from center of Southern Pacific Railroad			
Maps available for inspection at the Municipal Building, Wyoming and Cooper Avenue, Lockland, Ohio.		Oak Creek: Approximately 100 feet upstream from center of Southern Pacific Railroad			
Woodlawn (Village), Hamilton County (FEMA Docket No. 6690)		Soap Creek: Immediately upstream of unnamed road, which is approximately 12,000 feet upstream from Old Portland and Umpqua Valley Road			
<i>West Fork Mill Creek:</i>		Frazier Creek: Approximately 50 feet upstream from center of Southern Pacific Railroad			
About 2600 feet downstream of Springfield Pike	*566	Jackson Creek: Approximately 50 feet upstream from center of Northwest Highland Drive			
About 1.6 miles upstream of Riddle Road	*621	Milrace: At divergence from Mays River			
<i>West Fork Mill Creek North Tributary:</i>		Milrace Overflow: At Crystal Lake Drive			
About 330 feet upstream of Linden Avenue	*569	Maps available for inspection at Public Works Department, 360 S.W. Avery, Corvallis, Oregon.			
<i>West Fork Mill Creek South Tributary:</i>		Clatskanie (City), Columbia County (FEMA Docket No. 6696)			
Just upstream of confluence with West Fork Mill Creek	*586	<i>Clatskanie River:</i> 200 feet upstream from center of U.S. Highway 30			
About 0.38 mile above mouth	*623	Conyers Creek: 580 feet east of intersection of Nehalem Street and the southernmost corporate limit			
About 0.40 mile above mouth	*636	Maps available for inspection at the Office of the City Administrator, City Hall, Clatskanie, Oregon.			
Maps available for inspection at the Municipal Building, 10143 Woodlawn Boulevard, Cincinnati, Ohio.		Hermiston (City), Umatilla County (FEMA Docket No. 6696)			
OKLAHOMA		<i>Umatilla River:</i> Approximately 770 feet west, then approximately 210 feet south of the center of the intersection of Butler Creek Highway and Umatilla River Road			
Claremore (City), Rogers County (FEMA Docket No. 6696)		Maps available for inspection at the City Manager Office, 295 East Main, Hermiston, Oregon.			
<i>Dog Creek:</i>		Eugene (City), Lane County (FEMA Docket No. 6682)			
Approximately 3,900 feet downstream of State Route 20	*585	<i>Willamette River:</i> 100 feet upstream from the center of Interstate Highway 105			
Upstream side of Blue Starr Drive	*594	<i>Dedrick Slough:</i> 100 feet upstream from the center of the downstream Goodpasture Island Road			
Approximately 650 feet upstream of Blue Starr Drive	*595	Amazon Creek: 50 feet upstream from the center of Olive Street			
<i>Cat Creek:</i>		Shallow Flooding: At the intersection of Polk Street and 15th Avenue			
Upstream side of Will Rogers Turnpike	*580	Channel A3: 200 feet upstream from the center of Bertelsen Road			
Downstream side of Muskogee Avenue	*583	Maps available for inspection at Engineer's Office, 777 Pearl Street, Eugene, Oregon.			
Downstream side of U.S. Route 66	*589	Slates (City), Deschutes County (FEMA Docket No. 6696)			
Upstream side of Will Rogers Boulevard	*600	<i>Squaw Creek:</i> Approximately fifty feet upstream from center of U.S. Highway 20			
Downstream side of Industrial Boulevard	*614				
Approximately 1,400 feet upstream of Lowry Road	*621				
Maps available for inspection at the City Hall, 104 South Muskogee, Claremore, Oklahoma.					
Coweta (City), Wagoner County (FEMA Docket No. 6696)					
<i>Coweta Creek:</i>					
At downstream corporate limits	*579				
Upstream face of South Street	*600				
Downstream face of North Street	*618				
Downstream face of 131st Street	*636				

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at City Hall, Sisters, Oregon.		Windber (Borough), Somerset County (FEMA Docket No. 6696)		Jasper County (Unincorporated Areas), (FEMA Docket No. 6696)	
St. Helens (City), Columbia County (FEMA Docket No. 6696)		Paint Creek:		Atlantic Ocean:	
Columbia River: 1,800 feet east of the center of the intersection of Plymouth Street and 6th Street.....	*23	Downstream corporate limits.....	*1,670	About 4,000 feet south of intersection of U.S. Route 17 and U.S. Route 17A.....	*11
Milton Creek: Center of U.S. Highway 30 (Columbia River Highway).....	*100	Downstream side of Graham Avenue.....	*1,683	At intersection of State Route 170 and State Route 46.....	*11
McNulty Creek: Approximately 45 feet upstream of the center of Burlington Northern Railroad.....	*77	Approximately 0.3 mile upstream of Somerset Avenue.....	*1,700	At mouth of Clydesdale Creek.....	*12
Maps available for inspection at the Office of the City Administrator, City Hall, St. Helens, Oregon 97051.		Upstream side of access road.....	*1,755	About 3,000 feet east of intersection of State Route 89 and State Route 170.....	*12
PENNSYLVANIA		Approximately 0.2 mile upstream of access road.....	*1,759	About 4,000 feet east of intersection of U.S. Route 278 and Seaboard Coast Line Railroad.....	*14
Pocono (Township), Monroe County (FEMA Docket No. 6696)		Seese Run:		About 1.7 miles south of intersection of State Route 193 and State Route 92.....	*14
Pocono Creek:		Confluence with Paint Creek.....	*1,683	At confluence of Fields Cut with Wright River.....	*15
At downstream corporate limits.....	*752	Approximately 50 feet upstream of 24th Street.....	*1,706	About 3,000 feet downstream of confluence of East Branch Creek with Boyd Creek.....	*16
Approximately 50 feet upstream of second crossing of State Route 611.....	*792	Upstream corporate limits.....	*1,741	Along southeast coast of Turtle Island.....	*22
Approximately 140 feet downstream of Stadden Road.....	*821	Weaver Run:		Savannah River:	
Approximately 105 feet upstream of Warner Drive.....	*848	Confluence with Seese Run.....	*1,695	Just upstream of U.S. Route 17.....	*12
Upstream side of Interstate Route 80 (east-bound).....	*965	Approximately 0.4 mile upstream of State Route 56.....	*1,713	About 5.1 miles upstream of U.S. Route 17.....	*15
Upstream side of second crossing of Spur E. Camelback/LR 45024.....	*1,135	Maps available for inspection at the Borough Building, 1409 Somerset Avenue, Windber, Pennsylvania.		Maps available for inspection at the Jasper County Courthouse, Ridgeland, South Carolina.	
Approximately 0.5 mile upstream of second crossing Spur E. Camelback/LR 45024.....	*1,210	SOUTH CAROLINA		Meggett (Town), Charleston County	
Swiftwater Creek:		Beaufort County (Unincorporated Areas), (FEMA Docket No. 6696)		Atlantic Ocean:	
Approximately 60 feet downstream of first crossing of corporate limits.....	*929	Atlantic Ocean:		At the confluence of Lower Toogoodoo Creek with Toogoodoo Creek.....	*12
At second crossing of corporate limits.....	*958	At the intersection of U.S. Route 17 and County Route 3.....	*8	At the intersection of Church Street and State Route 165.....	*12
Approximately 60 feet upstream of third crossing of corporate limits.....	*1,055	On Port Royal Island at Shell Point.....	*15	About 1.0 mile south of the intersection of Little Britton Road and Kings Point Road.....	*15
At upstream side of State Route 611.....	*1,141	Along the shoreline of Dafuskie Island from the mouth of New River to the mouth of Calibogue Sound.....	*22	Maps available for inspection at the City Hall, Meggett, South Carolina.	
Approximately 70 feet upstream of State Route 314.....	*1,204	Along the shoreline on the northeastern end of Harbor Island.....	*22	Mount Pleasant (Town), Charleston County (FEMA Docket No. 6703)	
Scot Run:		Maps available for inspection at the County Courthouse, Beaufort, South Carolina.		Atlantic Ocean:	
At confluence with Pocono Creek.....	*948	Beaufort (City), Beaufort County, (FEMA Docket No. 6696)		At the intersection of Casseque Province and Chersonese Round.....	*11
At upstream side of Scot Run Avenue.....	*981	Atlantic Ocean:		Along Shem Creek from Bowman Road to U.S. Route 17.....	*12
At upstream side of dam.....	*1,005	Near intersection of Mossy Oaks Road and Battery Creek Road.....	*13	At the intersection of Center Street and Yonge Street.....	*13
Approximately 130 feet upstream of fourth crossing of State Route 611.....	*1,065	On Sand Island.....	*15	Just upstream of U.S. Route 17 bridge over Cooper River.....	*14
Bulgers Run:		Maps available for inspection at the Town Hall, Beaufort, South Carolina.		About 600 feet south of the intersection of William Street and Pitt Street.....	*15
At confluence with Pocono Creek.....	*830	Hilton Head Island (Town), Beaufort County, (FEMA Docket No. 6696)		Maps available for inspection at the Town Hall, Mt. Pleasant, South Carolina.	
At upstream side of Cherry Lane Road.....	*842	Atlantic Ocean:		Port Royal (Town), Beaufort County (FEMA Docket No. 6696)	
At upstream side of White Oak Drive.....	*963	Near intersection of Lighthouse Road and Plantation Drive.....	*14	Atlantic Ocean:	
At upstream side of access road located upstream of White Oak Drive.....	*964	About 2,000 feet southeast of intersection of Beach City Road and Dillon Road.....	*14	At intersection of 12th Street and Richmond Avenue.....	*13
Cranberry Creek:		Along shore from Braddock Point to Port Royal Sound.....	*22	At State Route 281 bridge over Battery Creek.....	*15
At confluence with Pocono Creek.....	*795	Maps available for inspection at the Town Hall, Hilton Head Island, South Carolina.		Maps available for inspection at the Town Hall, Port Royal, South Carolina.	
Approximately 100 feet downstream of State Route 611.....	*822	Hollywood (Town), Charleston County (FEMA Docket No. 6703)		Sullivans Island (Township), Charleston County (FEMA Docket No. 6703)	
At downstream side of Cranberry Road.....	*920	Atlantic Ocean:		Atlantic Ocean:	
Tributary 4 to Pocono Creek:		Just downstream of U.S. Route 17 bridge over Wallace River (about 1.85 miles east of the intersection of State Route 162 and U.S. Route 17).....	*7	At the intersection of Middle Street and Station 18 Street.....	*12
At confluence with Pocono Creek.....	*865	At the mouth of Log Bridge Creek.....	*12	At the intersection of Conquest Avenue and Middle Street.....	*14
At upstream side of Fish Hill Road.....	*892	At the intersection of Baptist Hill Road and Toogoodoo Road.....	*12	Along shoreline from about 1,500 feet south of intersection of Atlantic Avenue and Station 17 Street to about 400 feet east of the intersection of Station 30 Street and Marshall Boulevard.....	*19
Approximately 62 feet upstream of access road located upstream of Fish Hill Road.....	*914	Maps available for inspection at the City Hall, Hollywood, South Carolina.		Maps available for inspection at the Town Hall, 1610 Middle Street, Sullivans Island, South Carolina.	
Maps available for inspection at the Township Building, Tannersville, Pennsylvania.		Isle of Palms (City), Charleston County (FEMA Docket No. 6703)			
Scalp Level (Borough), Cambria County (FEMA Docket No. 6703)		Atlantic Ocean:			
Paint Creek:		At the intersection of Palm Boulevard and 30th Avenue.....	*12		
Downstream corporate limits.....	*1,548	At the intersection of Palmetto Drive and Racquet Club Road.....	*13		
Upstream side of State Route 56.....	*1,610	Along shoreline.....	*19		
At confluence of Little Paint Creek.....	*1,626	Maps available for inspection at the Town Hall, Isle of Palms, South Carolina.			
Little Paint Creek:					
At confluence with Paint Creek.....	*1,626				
Upstream side of Bridge Street.....	*1,674				
Upstream corporate limits.....	*1,735				
Sheet flow: South of Conrail and north of Brantly Road.....	#1				
Maps available for inspection at the Borough Building, 152 Richland Avenue, Scalp Level, Pennsylvania					

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
SOUTH DAKOTA					
Custer County (Unincorporated Areas) (FEMA Docket No. 6696)		At upstream corporate limits.....	*511	Upstream side of FM 2234 (downstream crossing).....	*65
<i>Battle Creek:</i> Approximately 50 feet upstream from center of State Highway 79 Bridge.....	*3,307	Maps available for inspection at the City Hall, Canton, Texas.		Approximately 1.1 miles upstream of FM 2234 (upstream crossing).....	*69
<i>French Creek:</i>		Chateau Woods (City), Montgomery County (FEMA Docket No. 6591) -		<i>Clodine Ditch:</i>	
Approximately 50 feet upstream from the center of sewage disposal plant road bridge.....	*5,252	<i>White Oak Creek-West:</i>		Approximately 2,000 feet downstream of confluence of Tributary to Clodine Ditch.....	*92
Approximately 50 feet upstream from center of County Road 395 bridge.....	*5,344	Approximately 200 feet downstream of Longleaf Drive (extended).....	*113	Approximately 2.2 miles upstream of Harlem Road.....	*95
<i>Grace Coolidge Creek:</i> Approximately 50 feet upstream from center of State Highway 36 bridge.....	*3,379	Downstream side of Chateau Woods Parkway.....	*116	<i>Coon Creek:</i>	
<i>Laughing Water Creek:</i> Approximately 950 feet upstream from center of Lincoln Street Bridge in the City of Custer.....	*5,339	<i>White Oak Creek-West Tributary No. 1:</i>		Approximately 120 feet downstream of Band Road.....	*82
Maps available for inspection at the Office of the District Director, Southwest Emergency and Disaster Services, 420 Mt. Rushmore Road, Custer, South Dakota.		At confluence with White Oak Creek-West.....	*115	Downstream side of Southern Pacific Railroad (downstream crossing).....	*93
		Approximately 300 feet upstream of Ashway Drive.....	*115	Approximately 800 feet upstream of Cottonwood Church Road.....	*100
		Downstream side of Springwood Drive.....	*124	Downstream side of Randon Road.....	*108
		Maps available for inspection at City Hall or The Civic Club, 10224 Fairview Street, Chateau Woods, Texas.		<i>Cow Creek:</i>	
				Confluence with Brazos River.....	*53
				Approximately 1.5 miles upstream of County Route 17.....	*54
TEXAS		Flower Mound (Town), Denton County (FEMA Docket No. 6696)		<i>Dry Creek:</i>	
Albany (City), Shackelford County (FEMA Docket No. 6690)		<i>Bakers Branch:</i>		Approximately 1,150 feet downstream of Bryan Road.....	*89
<i>North Fork Salt Prong Hubbard Creek:</i>		At downstream corporate limits.....	*471	Downstream side of Bryan Road.....	*91
2,080 feet downstream from corporate limits.....	*1,380	Approximately 1.0 mile upstream of corporate limits.....	*489	<i>Keegans Bayou:</i>	
At upstream side of South Main Street.....	*1,400	Approximately 1,720 feet downstream of Gerault Road.....	*510	Upstream side of Belknap Road.....	*86
At upstream corporate limits.....	*1,418	Upstream side Gerault Road.....	*529	Approximately 0.82 mile upstream of Gaines Road.....	*88
<i>Phinn Reynolds Creek:</i>		Approximately 0.64 mile upstream of Gerault Road.....	*550	<i>Little Prong Buffalo Bayou:</i>	
At confluence with North Fork Salt Prong Hubbard Creek.....	*1,391	<i>Sharps Branch:</i>		At confluence with Willow Fork Buffalo Bayou.....	*107
At downstream side of Pecan Street.....	*1,415	At corporate limits.....	*564	Approximately 1,000 feet downstream of Katy-Gaston Road crossing.....	*117
1,200 feet upstream of North 10th Street.....	*1,445	Approximately 0.9 mile upstream of corporate limits.....	*581	<i>Long Point Creek:</i>	
<i>Webb Memorial Creek:</i>		Approximately 1.4 miles upstream of corporate limits.....	*601	Upstream side of Briscoe Canal.....	*80
At confluence with North Fork Salt Prong Hubbard Creek.....	*1,404	<i>Stream S8-1:</i>		Upstream side of State Route 6.....	*64
At upstream side of Central Street.....	*1,417	At confluence with Sharps Branch.....	*564	Approximately 0.5 mile upstream of Ebenezer Road.....	*71
At upstream corporate limits.....	*1,433	Approximately 0.6 mile upstream of confluence with Sharps Branch.....	*576	<i>Long Point Creek East Fork:</i>	
Maps available for inspection at the City Hall, Albany, Texas.		<i>Stream TC-2:</i>		At confluence with Long Point Creek.....	*65
		At confluence with Timber Creek.....	*534	Approximately 0.76 mile upstream of Ebenezer Road.....	*72
Big Oaks Municipal Utility District, Fort Bend County (FEMA Docket No. 6599)		Upstream side of Garden Road.....	*570	<i>Mustang Bayou:</i>	
<i>Clodine Ditch:</i>		Upstream side of Long Prairie Road.....	*600	Approximately 0.95 mile downstream of State Route 288.....	*68
Approximately 100 feet south of a point 1,000 feet west of intersection of FM 1464 and Southern Pacific Railroad.....	*93	Approximately 0.4 mile upstream of Long Prairie Road.....	*609	Downstream side of Evergreen Road.....	*72
At southwest corner of district limits.....	*93	<i>Timber Creek:</i>		Approximately 500 feet upstream of City of Missouri City corporate limits.....	*75
Maps available for inspection at the Fort Bend County Judge's Office, County Courthouse, Richmond, Texas.		At downstream corporate limits.....	*533	<i>Oyster Creek:</i>	
		Approximately 100 feet downstream of Old Abandoned Road.....	*555	Upstream side of Laster Road.....	*67
Canton (City) Van Zandt County (FEMA Docket No. 6696)		Upstream side of Timber Creek Road South.....	*567	Downstream side of U.S. Route 59.....	*72
<i>Mill Creek:</i>		Upstream side of Morris Road.....	*573	At confluence of Red Gully.....	*78
Approximately 360 feet downstream of State Route 64.....	*457	Upstream side of Mesquite Street.....	*590	Approximately 700 feet downstream of confluence with Jones Creek.....	*81
At upstream side of State Route 243.....	*466	Approximately 2,000 feet upstream of upstream corporate limits.....	*601	<i>Red Gully:</i>	
At downstream side of Lake Canton dam.....	*472	<i>Denton Creek:</i>		At confluence with Oyster Creek.....	*78
<i>Dry Creek:</i>		Approximately 1,600 feet upstream of confluence of Bakers Branch.....	*471	Approximately 0.88 mile upstream of Old Richmond Road.....	*82
At downstream corporate limits.....	*460	Approximately 0.9 mile upstream of confluence of Bakers Branch.....	*472	Downstream side of FM 1464.....	*83
Approximately 100 feet downstream of State Route 64.....	*477	<i>Grapevine Lake:</i> Entire shoreline within community.....	*564	<i>Sesbaine Creek:</i>	
Approximately 300 feet upstream of West College Street.....	*484	Maps available for inspection at the Town Hall, 2121 Cross Timbers Road, Flower Mound, Texas.		Approximately 2,100 feet downstream of State Route 36 (upstream crossing).....	*92
At upstream side of State Route 243.....	*507	Fort Bend (County) (FEMA Docket No. 6599)		Approximately 1,800 feet east of Southern Pacific Railroad crossing of Cottonwood Road.....	*96
At upstream corporate limits.....	*511	<i>Brazos River:</i>		Approximately 3,750 feet downstream of Old U.S. Route 59.....	*100
<i>Stream DC-1:</i>		At confluence of Cow Creek.....	*53	Upstream side of Kroesene Road.....	*104
At confluence with Dry Creek.....	*465	Upstream side of Atchison Topeka and Santa Fe Railway.....	*64	<i>Stafford Run:</i>	
At upstream side of Edgewood Road.....	*486	Downstream side of U.S. Route 59.....	*74	At City of Missouri City corporate limits.....	*71
At upstream corporate limits.....	*487	Upstream side of Southern Pacific Railroad (downstream crossing).....	*82	Upstream side of System A Canal.....	*76
<i>Stream DC-2:</i>		Upstream side of FM 723.....	*91	Approximately 1,000 feet downstream of Brand Road.....	*79
At confluence with Dry Creek.....	*482	Approximately 6.8 miles upstream of FM 723.....	*95	<i>Willow Fork Buffalo Bayou:</i>	
At upstream side of City Lake Dam.....	*493	Approximately 4.5 miles downstream of FM 1093.....	*106	Approximately 1.5 miles downstream of confluence of Little Prong Buffalo Bayou.....	*101
At upstream corporate limits.....	*493	Approximately 7.7 miles upstream of Southern Pacific Railroad (upstream crossing).....	*112	Confluence of Little Prong Buffalo Bayou.....	*107
<i>Stream DC-2A:</i> At confluence with Stream DC-2.....	*493	At upstream county boundary.....	*117	Upstream side of Green Bush Road.....	*123
<i>Stream DC-3:</i>		<i>Clear Creek:</i>		Upstream side of FM 1463.....	*135
Approximately 250 feet upstream of confluence with Dry Creek.....	*490	Approximately 0.48 mile downstream of State Route 288.....	*61	Approximately 3.1 miles upstream of FM 1463.....	*148
At upstream side of Towes Drive.....	*504			Maps available for inspection at Fort Bend County Judge's Office, County Courthouse, Richmond, Texas.	
At upstream corporate limits.....	*506				
<i>Stream DC-3A:</i>					
At confluence with Stream DC-3.....	*502				
At upstream side of State Route 243.....	*509				

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Goliad (City), Goliad County (FEMA Docket No. 6690)		Downstream side of Oak Lane (extended).....	*546	Approximately 1,830 feet upstream of Eureka Street.....	*1,030
<i>Maddox Branch:</i>		Downstream side of dam at corporate limits.....	*560	Approximately 1,150 feet upstream of Main Street.....	*1,061
Approximately 640 feet downstream of Fannin Street.....	*138	Maps available for inspection at the City Hall, 303 Alamo, Lake Dallas, Texas.		<i>Pogue Branch:</i>	
Approximately 40 feet downstream of Southern Pacific Railroad.....	*142	Levee Improvement District No. 7, Fort Bend County (FEMA Docket No. 6599)		At confluence with Town Creek.....	*1,039
Approximately 1,800 feet upstream of East Oak Street.....	*169	<i>Brazos River:</i>		Approximately 2,000 feet upstream of confluence with Town Creek.....	*1,052
At upstream corporate limits.....	*202	Approximately 520 feet downstream of U.S. Route 59.....	*74	Approximately 350 feet upstream of FM 920.....	*1,086
<i>Sparrow Branch:</i>		Approximately 2.84 miles downstream of U.S. Route 59.....	*77	<i>Clear Fork Trinity River:</i>	
At downstream corporate limits.....	*140	Maps available for inspection at the Fort Bend County Judge's Office, County Courthouse, Richmond, Texas.		Approximately 600 feet downstream of corporate limits.....	*858
At upstream side of East Franklin Street.....	*154			At Lake Weatherford Dam.....	*866
Approximately 80 feet upstream of North Church Street.....	*185			<i>Lake Weatherford:</i> Entire shoreline.....	*909
At upstream corporate limits.....	*196			Maps available for inspection at the City Manager's Office, 119 Palo Pinto Street, Weatherford, Texas.	
<i>Southwest City Drain:</i>		Municipal Utility District No. 34, Fort Bend County (FEMA Docket No. 6599)		White Settlement (City), Tarrant County (FEMA Docket No. 6690)	
At downstream corporate limits.....	*141	<i>Little Prong Buffalo Bayou:</i>		<i>Farmers Branch:</i>	
At downstream side of Pearl Street (U.S. Route 59).....	*162	Upstream of canal crossing.....	*112	Approximately 960 feet downstream of Grant Lane.....	*634
Approximately 200 feet upstream of West Oak Street.....	*194	Approximately 850 feet downstream of Katy-Gaston Road crossing.....	*117	At downstream side of Meadow Park Drive.....	*667
Maps available for inspection at the City Hall, Goliad, Texas.		Maps available for inspection at the Fort Bend County Judge's Office, County Courthouse, Richmond, Texas.		At upstream side of Las Vegas Trail.....	*692
				At upstream corporate limits.....	*718
Hearne (City), Robertson County (FEMA Docket No. 6690)		Municipal Utility District No. 35, Fort Bend County (FEMA Docket No. 6599)		<i>Stream FB-1:</i>	
<i>Little Brazos River:</i>		<i>Little Prong Buffalo Bayou:</i>		At confluence with Farmers Branch.....	*692
Approximately 840 feet downstream of Southern Pacific Railroad bridge.....	*268	Upstream of canal crossing.....	*112	At upstream side of George Street.....	*710
Approximately 1,120 feet upstream of Southern Pacific Railroad bridge.....	*270	Approximately 850 feet downstream of Katy-Gaston Road crossing.....	*117	<i>Stream WF-11:</i>	
Approximately .5 mile upstream of U.S. Highway 79.....	*274	Maps available for inspection at the Fort Bend County Judge's Office, County Courthouse, Richmond, Texas.		At downstream corporate limits.....	*614
<i>Sandy Creek:</i>				At upstream side of Silver Creek Road.....	*635
At downstream corporate limits.....	*287			At upstream side of Clifford Avenue.....	*670
At downstream side of Southern Pacific Railroad bridge.....	*298			Approximately 80 feet downstream of upstream corporate limits.....	*711
Approximately 480 feet above upstream corporate limits.....	*304	Municipal Utility District No. 41, Fort Bend County (FEMA Docket No. 6599)		Maps available for inspection at the City Hall, 214 Meadow Park Drive, White Settlement, Texas.	
<i>Last Creek:</i>		<i>Red Gully:</i>		UTAH	
At downstream corporate limits.....	*272	Approximately 1.80 miles downstream of FM 1464.....	*82	Salina (City), Sevier County (FEMA Docket No. 6695)	
At downstream side of Cedar Street.....	*286	Approximately 1.42 miles downstream of FM 1464.....	*82	<i>Salina Creek:</i> At the center of State Street (U.S. Highway 89).....	*5,162
Approximately 240 feet upstream of San Gabriel Street.....	*295	Maps available for inspection at the Fort Bend County Judge's Office, County Courthouse, Richmond, Texas.		<i>Trashpile Draw and Cemetery Draw:</i> 50 feet west from the intersection of Trunk Ditch.....	#1
At first upstream corporate limit crossing.....	*305			Maps available for inspection at City Hall, 90 West Main, Salina, Utah.	
At upstream corporate limits.....	*320			VERMONT	
Maps available for inspection at the City Hall, 210 Cedar Street, Hearne, Texas.		Weatherford (City), Parker County (FEMA Docket No. 6690)		Addison (Town), Addison County (FEMA Docket No. 6696)	
Kingsbridge Municipal Utility District, Fort Bend and Harris Counties (FEMA Docket No. 6682)		<i>Town Creek:</i>		<i>Otter Creek:</i>	
<i>Keegans Bayou:</i>		Approximately 225 feet downstream of the downstream corporate limits.....	*931	At downstream corporate limits.....	*145
Upstream side of Sugarland Howell Road.....	*86	Approximately 490 feet downstream of the confluence with Holland Lake Creek.....	*952	At upstream corporate limits.....	*148
Downstream side of Gaines Road.....	*87	Approximately 600 feet downstream of Missouri and Pacific Railroad.....	*980	<i>Lake Champlain:</i> Entire shoreline within community.....	*102
Maps available for inspection at the Office of Mr. Nettles, Vinson & Elkins Law firm, 2800 First City Tower, 1001 Fannin Street, Houston, Texas.		Approximately 100 feet downstream of Interstate Highway 80/180.....	*998	Maps available for inspection at the Town Clerk's Office, Vergennes, Vermont.	
Kirbyville (City), Jasper County (FEMA Docket No. 6690)		Approximately 60 feet downstream of Main Street.....	*1,009	Arlington (Town) Bennington County (FEMA Docket No. 6682)	
<i>Trout Creek:</i>		Approximately 300 feet upstream of Franklin Street.....	*1,016	<i>Batten Kill:</i>	
Downstream corporate limits.....	*99	Approximately 2,080 feet downstream of North Bowie Drive.....	*1,031	Downstream corporate limits.....	*522
Approximately .6 mile upstream of U.S. Route 96.....	*105	At upstream corporate limits.....	*1,045	Upstream side of River Road.....	*533
<i>Pin Oak Creek:</i>		<i>Willow Creek:</i>		Upstream side of Covered Bridge.....	*559
Approximately .4 mile downstream of Gulf Colorado and Santa Fe RR.....	*99	At downstream corporate limits.....	*901	Upstream side of Benedict Crossing.....	*577
Approximately .6 mile upstream of most upstream corporate limits.....	*111	Approximately 0.8 mile upstream of Interstate Highway 20.....	*910	Upstream side of West Mountain Road.....	*596
Maps available for inspection at the City Hall, Kirbyville, Texas.		At upstream corporate limits.....	*921	Upstream corporate limits.....	*637
Lake Dallas (City), Denton County (FEMA Docket No. 6690)		<i>Holland Lake Creek:</i>		<i>Green River:</i>	
<i>Lewisville Lake:</i> Entire shoreline within community.....	*537	At confluence with Town Creek.....	*954	Confluence with Batten Kill.....	*563
<i>Swisher Creek:</i>		Approximately 550 feet downstream of Holland Lake Drive.....	*969	Approximately 600 feet downstream of upstream corporate limits.....	*635
Upstream side of North Shady Shores Road.....	*537	Approximately 380 feet upstream of Clear Lake Road.....	*1,015	<i>Roaring Brook:</i>	
Upstream side of Wembly Road (extended).....	*538	<i>South Holland Lake Creek:</i>		Confluence with Batten Kill.....	*629
		At confluence with Holland Lake Creek.....	*1,005	Upstream side of Vermont Railway.....	*646
		Approximately 460 feet upstream of Clear Lake Road.....	*1,011	Confluence of Warm Brook.....	*685
		<i>Black Warrior Branch:</i>		<i>Warm Brook:</i>	
		At confluence with Town Creek.....	*990	Confluence with Roaring Brook.....	*685
				Upstream side of East Arlington Road.....	*721
				Upstream side of Maple Hill Road.....	*758
				Upstream corporate limits.....	*773
				<i>Fayville Branch:</i>	
				Confluence with Warm Brook.....	*717

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Upstream side of Church Street	*736	Maps available for inspection at the Town Clerk's Office, Pantton Road, Pantton, Vermont.		Approximately 30 feet upstream of confluence of Big Bear Hollow	*1,875
Upstream corporate limits	*761			Runion Creek:	
Maps available for inspection at the Town Hall, Route 7A, Arlington, Vermont.				At confluence with North Fork Shenandoah River	*1,092
Bristol (Town), Addison County (FEMA Docket No. 6690)		Stockbridge (Town), Windsor County (FEMA Docket No. 6690)		Upstream side of State Route 612	*1,143
New Haven River:		White River:		At confluence of Eaton Hollow	*1,185
Downstream corporate limits	*323	Downstream corporate limits	*582	Approximately 2.7 miles upstream of confluence of Eaton Hollow	*1,300
Downstream side of State Route 116 (1st upstream crossing)	*332	Confluence with Littleville Brook	*600	Approximately 1,350 feet downstream of County Boundary	*1,407
Downstream side of State Route 5	*427	Upstream side of Gaysville Bridge	*640	Capon Run:	
Upstream corporate limits of the Village of Bristol	*544	Confluence of Little Stony Brook	*658	At confluence with North Fork Shenandoah River	*1,332
Downstream side of State Routes 17 and 116 (3rd upstream crossing)	*614	Downstream side of Blackmers Boulevard	*697	Downstream side of State Route 259 (First crossing)	*1,468
Upstream side of Falls	*691	Upstream side of confluence of Tweed River	*735	At State Route 259 (Second crossing)	*1,507
Approximately 140 feet upstream of upstream corporate limits	*843	Upstream corporate limits	*753	German River:	
Maps available for inspection at the Municipal Building, Manager's Office, South Street, Bristol, Vermont.		Maps available for inspection at the Town Clerk's Vault, Town of Stockbridge, Vermont.		At confluence with North Fork Shenandoah River	*1,413
Bristol (Village), Addison County (FEMA Docket No. 6690)		Vergennes (City), Addison County (FEMA Docket No. 6696)		Upstream side of State Route 700	*1,514
New Haven River:		Otter Creek:		Downstream side of State Route 826 (Second crossing)	*1,604
Approximately 60 feet downstream of downstream corporate limits	*442	Downstream corporate limits	*105	At confluence of Persimmon Run	*1,661
Upstream side of River Street	*488	Downstream side of Vergennes Dam	*106	At confluence of Cold Spring River	*1,763
Approximately 350 feet upstream of upstream corporate limits	*547	250 feet upstream of State Route 22A	*141	Bennett Run:	
Maps available for inspection at the Municipal Building, Manager's Office, South Street, Bristol, Vermont.		Upstream corporate limits	*142	At confluence with Crab Run	*1,432
Ferrisburg (Town), Addison County (FEMA Docket No. 6696)		Maps available for inspection at the City Hall, Vergennes, Vermont.		At confluence of Overly Run	*1,508
Lake Champlain: Entire shoreline within community	*102	Waltham (Town), Addison County (FEMA Docket No. 6682)		Downstream side of State Route 865	*1,569
Otter Creek:		Otter Creek:		Downstream side of State Route 824 (First crossing)	*1,680
Confluence with Lake Champlain	*102	Downstream corporate limits	*142	Downstream side of State Route 824 (Second crossing)	*1,773
Approximately .85 mile upstream of corporate limits	*105	At downstream corporate limits	*148	Crab Run:	
Maps available for inspection at the Town Clerk's Office, Ferrisburg, Vermont 05457.		At upstream corporate limits	*148	At confluence with North Fork Shenandoah River	*1,413
Lincoln (Town), Addison County (FEMA Docket No. 6690)		Maps available for inspection at the Town Clerk's Office, Mildred Fleming's House, Waltham, Vermont.		Approximately 1.0 mile upstream of confluence of Bennett Run	*1,480
New Haven River:		Weybridge (Town), Addison County (FEMA Docket No. 6696)		At confluence of Sirks Run	*1,516
Approximately 70 feet downstream of the downstream corporate limits	*840	Otter Creek:		At upstream County Boundary	*1,582
Approximately 40 feet upstream of York Hill Road	*893	Downstream corporate limits	*148	Overly Run:	
At confluence of Beaver Meadow Brook	*950	Downstream side of downstream span of State Route 2	*153	At confluence with Bennett Run	*1,508
Downstream side of Gove Hill Road	*969	Upstream corporate limits	*179	Upstream side of State Route 823	*1,580
Downstream side of Mountain Road (2nd upstream crossing)	*1,036	Maps available for inspection at the Town Clerk's Office, Quaker Village Road, Weybridge, Vermont.		Approximately .7 mile upstream of State Route 823	*1,651
Approximately 0.6 mile upstream confluence of Cooty Brook	*1,091	VIRGINIA		South Fork Shenandoah River:	
Maps available for inspection at the Town Office, Quaker Street, Bristol, Vermont.		Pennington Gap (Town), Lee County (FEMA Docket No. 6690)		At downstream County Boundary	*901
Manchester (Village), Bennington County (FEMA Docket No. 6682)		North Fork Powell River:		At confluence of Quail Run	*939
Batten Kill:		Downstream corporate limits	*1,353	At confluence of Hawksbill Creek	*966
Approximately 900 feet downstream of River Road	*650	Approximately 0.6 mile downstream of upstream corporate limits	*1,362	At State Route 649	*999
Upstream side of Union Street	*683	At upstream corporate limits	*1,371	At confluence of Lower Lewis Run	*1,045
Approximately 0.4 mile upstream of confluence of Munson Brook	*691	Cane Creek:		At confluence of North River and South River	*1,061
Maps available for inspection at the Mark Skinner Library, Manchester, Vermont.		At confluence with North Fork Powell River	*1,354	Elk Run:	
Pantton (Town), Addison County (FEMA Docket No. 6696)		Upstream side of Harrell Street	*1,361	Confluence with South Fork Shenandoah River	*952
Otter Creek:		Upstream side of Ford Street	*1,366	At confluence of West Swift Run	*1,069
Downstream corporate limits	*104	Approximately 0.6 mile upstream of upstream corporate limits	*1,378	Downstream side of State Route 624	*1,170
Third corporate limits crossing	*142	Maps available for inspection at 130 East Willow Road, Pennington Gap, Virginia.		Approximately 1.2 miles upstream of State Route 624	*1,356
At upstream corporate limits	*145	Rockingham County (FEMA Docket No. 6682)		West Swift Run:	
Lake Champlain: Entire shoreline within community	*102	North Fork Shenandoah River:		At confluence with Elk Run	*1,068
		At downstream County Boundary	*952	Approximately 125 feet upstream of U.S. Route 33 (eastbound)	*1,239
		Downstream side of State Route 617	*1,035	Approximately 1.0 mile upstream of U.S. Route 33 (westbound)	*1,380
		Downstream side of State Route 612	*1,143	Wolf Run:	
		At confluence of Capon Run	*1,332	At confluence with Elk Run	*1,093
		At confluence of German River	*1,413	Approximately 720 feet upstream of State Route 623	*1,140
		Little Dry River:		Naked Creek:	
		At confluence with North Fork Shenandoah River	*1,171	At confluence with South Fork Shenandoah River	*923
		Approximately 50 feet upstream of State Route 631	*1,400	Approximately 50 feet upstream of State Route 603	*948
		At confluence of Old Road Hollow	*1,570	Downstream side of State Route 607	*1,005
				At confluence of South Branch Naked Creek	*1,075
				South Branch Naked Creek:	
				At confluence with Naked Creek	*1,075
				Approximately .8 mile upstream of confluence with Naked Creek	*1,110
				Approximately 1.2 miles upstream of confluence with Naked Creek	*1,166
				Dry Run:	
				At confluence with South Fork Shenandoah River	*941
				Approximately 1.2 miles downstream of State Route 759	*1,070
				Upstream side of State Route 759	*1,178

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
Approximately 1.1 miles upstream of State Route 759.....	*1,300	Approximately 1.4 miles upstream of State Route 612 (Second crossing).....	*1,330	<i>Linnville Creek:</i>	
Approximately 2.2 miles upstream of State Route 759.....	*1,443	Approximately 1,220 feet upstream of confluence of Long Run.....	*1,491	At confluence with North Fork Shenandoah River.....	*1,032
<i>Lee Run:</i>		<i>North River:</i>		Approximately 500 feet upstream of State Route 809.....	*1,085
At confluence with Elk Run.....	*1,145	At confluence with South Fork Shenandoah River.....	*1,061	At State Route 782.....	*1,138
Approximately .4 mile upstream of confluence with Elk Run.....	*1,202	Approximately 550 feet upstream of State Route 668.....	*1,090	Downstream side of State Route 780.....	*1,161
<i>Hawksbill Creek:</i>		Approximately 100 feet upstream of State Route 276.....	*1,104	Approximately 1,000 feet upstream of State Route 42 (Second crossing).....	*1,213
At confluence with South Fork Shenandoah River.....	*966	At confluence of Pleasant Run.....	*1,139	<i>West Fork Creek:</i>	
At confluence of East Hawksbill Creek.....	*1,151	Downstream side of State Route 727.....	*1,154	At confluence with Linnville Creek.....	*1,181
Approximately 250 feet upstream of State Route 628.....	*1,250	At confluence of Dry River.....	*1,199	Approximately 1.3 miles upstream of confluence with Linnville Creek.....	*1,231
Approximately 2.0 miles upstream of State Route 628.....	*1,445	Upstream side of State Route 613.....	*1,236	<i>Joos Creek:</i>	
<i>East Hawksbill Creek:</i>		At upstream County Boundary.....	*1,277	At confluence with Linnville Creek.....	*1,151
At confluence with Hawksbill Creek.....	*1,151	<i>Mill Creek:</i>		Approximately 1.0 mile upstream of confluence with Linnville Creek.....	*1,190
Upstream side of State Route 628.....	*1,213	At confluence with North River.....	*1,070	Approximately 1.8 miles upstream of confluence with Linnville Creek.....	*1,241
Approximately 1.4 miles upstream of State Route 628.....	*1,457	Approximately 1,500 feet upstream of State Route 659 (Second crossing).....	*1,158	<i>Smith Creek:</i>	
<i>Big Run:</i>		<i>Congers Creek:</i>		At downstream County Boundary.....	*973
Confluence with South Fork Shenandoah River.....	*1,014	At confluence with Mill Creek.....	*1,120	Upstream side of State Route 798.....	*1,034
Approximately .9 mile upstream of U.S. Route 340.....	*1,069	Approximately 1.0 mile downstream of State Route 276.....	*1,176	At confluence of Dry Fork.....	*1,084
<i>Madison Run:</i>		Approximately .7 mile upstream of State Route 276.....	*1,278	At confluence of Mountain Run.....	*1,180
At confluence with South Fork Shenandoah River.....	*1,059	<i>Pleasant Run:</i>		Approximately 3.8 miles upstream of Mountain Run.....	*1,383
Approximately 1.0 mile upstream of U.S. Route 340.....	*1,191	At confluence with North River.....	*1,139	<i>Mountain Run:</i>	
Approximately 2.1 miles upstream of U.S. Route 340.....	*1,272	Approximately 90 feet downstream of State Route 988 (Second crossing).....	*1,214	At confluence with Smith Creek.....	*1,180
<i>Onemile Run:</i>		Approximately 6 mile upstream of State Route 704 (Second crossing).....	*1,327	At State Route 620.....	*1,243
At confluence with South Fork Shenandoah River.....	*1,008	<i>Duck Run:</i>		Approximately .6 mile upstream of State Route 620.....	*1,303
Approximately 1.1 miles upstream of confluence with South Fork Shenandoah River.....	*1,115	At confluence of Mill Creek.....	*1,116	<i>Dry Fork:</i>	
<i>Twomile Run:</i>		Approximately 1,260 feet upstream of State Route 708.....	*1,123	At confluence with Smith Creek.....	*1,084
At confluence with South Fork Shenandoah River.....	*999	<i>Cooks Creek:</i>		Approximately 70 feet downstream of U.S. Route 11 (First crossing).....	*1,150
Approximately 1,150 feet upstream of U.S. Route 340.....	*1,040	At confluence of Blacks Run.....	*1,171	Approximately 225 feet downstream of Interstate Route 81 access ramp.....	*1,230
Approximately 1.5 miles upstream of U.S. Route 340.....	*1,192	Downstream side of State Route 701.....	*1,201	Approximately 2.3 miles upstream of Interstate Route 81 access ramp.....	*1,305
<i>Cub Run:</i>		At confluence of West Fork Cooks Creek.....	*1,231	<i>South River:</i>	
At confluence with South Fork Shenandoah River.....	*1,016	Approximately 140 feet downstream of U.S. Route 33.....	*1,283	At confluence with South Fork Shenandoah River.....	*1,061
Upstream side of State Route 652.....	*1,059	Approximately 1.5 miles upstream of U.S. Route 33.....	*1,344	Approximately 4.1 miles upstream of confluence with South Fork Shenandoah River.....	*1,099
Approximately 50 feet upstream of State Route 672.....	*1,100	<i>Blacks Run:</i>		<i>Briery Branch:</i>	
Approximately 150 feet upstream of State Route 665.....	*1,174	At confluence with Cooks Creek.....	*1,171	At confluence with North River.....	*1,228
At Chesapeake and Western Railway.....	*1,293	Upstream side of State Route 704.....	*1,180	Upstream side of State Route 613.....	*1,305
Approximately 1.6 miles upstream of Chesapeake and Western Railway.....	*1,405	Approximately 675 feet upstream County boundary.....	*1,207	Approximately 0.6 mile upstream of State Route 613.....	*1,345
<i>Boone Run:</i>		<i>West Fork Cooks Creek:</i>		Upstream side of State Route 755.....	*1,405
At confluence with Quail Run.....	*948	At confluence of Cooks Creek.....	*1,231	Upstream side of State Routes 257 and 731.....	*1,490
Downstream side of State Route 602.....	*990	Approximately 1,730 feet upstream of State Route 732.....	*1,250	Approximately 0.9 mile upstream of State Routes 257 and 731.....	*1,550
Approximately 1.0 mile upstream of State Route 602.....	*1,067	At upstream County Boundary.....	*1,264	Approximately 2.3 miles upstream of State Routes 257 and 731.....	*1,645
Approximately 2.3 miles upstream of State Route 602.....	*1,266	<i>Dry River:</i>		<i>Mossy Creek:</i>	
<i>Quail Run:</i>		At confluence with North River.....	*1,199	At confluence with North River.....	*1,221
At confluence with South Fork Shenandoah River.....	*939	Upstream side of State Route 752.....	*1,293	Upstream side of State Route 747.....	*1,231
Downstream side of State Route 636.....	*959	Approximately 75 feet downstream of State Route 613.....	*1,430	Approximately 0.8 mile upstream of State Route 747.....	*1,235
Upstream side of State Route 602.....	*1,040	Approximately 2.0 miles upstream of State Route 613.....	*1,531	<i>Maps available for inspection at the Public Works Department, County Office Building, Harrisonburg, Virginia.</i>	
Approximately .7 mile upstream of State Route 646.....	*1,156	Approximately 1.2 miles upstream of State Route 847.....	*1,676	<i>St. Charles (Town), Lee County (FEMA Docket No. 6690)</i>	
<i>Bloomer Springs Run:</i>		<i>Muddy Creek:</i>		<i>Straight Creek:</i>	
At confluence with Boone Run.....	*988	At confluence with Dry River.....	*1,275	At downstream corporate limits.....	*1,521
Approximately 1.2 miles upstream of confluence with Boone Run.....	*1,023	At U.S. Route 33.....	*1,338	Upstream side of State Route 352.....	*1,528
<i>Stony Run:</i>		Approximately 80 feet downstream of State Route 726.....	*1,372	At upstream corporate limits.....	*1,538
At confluence with South Fork Shenandoah River.....	*1,005	Approximately 140 feet upstream of State Route 613.....	*1,440	<i>Big Branch:</i>	
Approximately 75 feet upstream of State Route 641.....	*1,050	Approximately .4 mile upstream of State Route 772.....	*1,578	At downstream corporate limits.....	*1,528
Approximately 100 feet upstream of State Route 966.....	*1,128	<i>Buttermilk Run:</i>		Approximately 320 feet upstream of State Route 352.....	*1,540
Approximately 1.2 miles upstream of State Route 23.....	*1,295	At confluence with War Branch.....	*1,355	At upstream corporate limits.....	*1,573
<i>Shoemaker River:</i>		Approximately 1.1 miles upstream of State Route 613.....	*1,454	<i>Baileys Trace:</i>	
At confluence with South Fork Shenandoah River.....	*1,103	<i>Snapp Creek:</i>		At confluence of Straight Creek.....	*1,528
Approximately 3.3 miles upstream of confluence with South Fork Shenandoah River.....	*1,190	At confluence with Muddy Creek.....	*1,409	At upstream side of Southern Railway Bridge.....	*1,532
At State Route 612 (First crossing).....	*1,260	Approximately .9 mile upstream of State Route 752 (Second crossing).....	*1,488	At upstream corporate limits.....	*1,538
		<i>War Branch:</i>		<i>Maps available for inspection at the Town Hall, St. Charles, Virginia.</i>	
		At confluence with Muddy Creek.....	*1,334		
		Approximately 1.0 mile upstream of U.S. Route 33.....	*1,389		

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
WASHINGTON		Maps available for inspection at 44 West Main Street, Cameron, West Virginia.		Maps available for inspection at the City Hall, 108 North Main Street, Philippi, West Virginia.	
Cathlamet (Town), Wahkiakum County (FEMA Docket No. 6696)		McDowell County (FEMA Docket No. 6696)		WISCONSIN	
<i>Columbia River (Cathlamet Channel):</i> 300 feet southwest of the center of the intersection of Division Street and River Street along Division Street	*11	<i>Tug Fork:</i> Downstream County boundary	*920	Brookfield (C), Waukesha County, (FEMA Docket No. 6690)	
Maps available for inspection at the Town Hall, 100 Main Street, Cathlamet, Washington.		At confluence with Shortpole Branch	*945	<i>Fox River:</i> Just upstream of Springdale Road	*824
Grays Harbor County (Unincorporated Areas) (FEMA Docket No. 6696)		At upstream corporate limits of the City of laeger	*986	About 1,600 feet upstream of confluence of Sussex Creek	*826
<i>Bush Creek:</i> At the downstream road casing of Cloquallum Road	*102	At confluence of Snipe Branch	*1,023	<i>Poplar Creek:</i> At mouth	*824
<i>Chehalis River:</i> Approximately 450 feet southwest from the intersection of Fairway Park Road and Montesano-Aberdeen Road	*10	Upstream side of County Route 52-1	*1,092	Just downstream of South Barker Road	*830
<i>Cloquallum Creek:</i> Approximately 110 feet upstream from the centerline of State Highway 8	*68	Upstream side of County Route 69	*1,157	<i>Deer Creek:</i> About 2,200 feet downstream of Brookfield Road	*823
<i>Grays Harbor (backwater on Chehalis River):</i> At the intersection of Wagar Street and Geddes Street	*10	At upstream corporate limits of the Town of Davy	*1,200	Just downstream of Greenfield Avenue	*839
<i>Harris Creek:</i> Approximately 70 feet upstream from the centerline of Elma Gate Road East	*79	Upstream side of Elm Street	*1,289	<i>Underwood Creek:</i> Just downstream of North Avenue	*751
<i>Newman Creek:</i> At the western road casing of O'Neill Road approximately 2,170 feet north of the intersection of Montesano Road and O'Neill Road	*43	At upstream corporate limits of the City of Welch	*1,317	Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*802
<i>Shallow Flooding on Newman Creek:</i> At Montesano-Elma Road	*1	At downstream corporate limits of the City of Gary	*1,371	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*806
<i>Pacific Ocean at Moclipis:</i> Wishkan Avenue extended at shoreline	*22	Downstream side of State Route 161	*1,505	About 0.8 mile upstream of confluence of Dousman Ditch	*825
<i>Pacific Ocean at Pacific Beach:</i> Main Street extended at shoreline	*25	At downstream corporate limits of the Town of Anawalt	*1,640	<i>North Branch Underwood Creek:</i> At mouth	*754
<i>Pacific Ocean at Copalis Head over Copalis River at Copalis Beach:</i> Approximately 1.5 miles north of bridge along State Highway 109, then west approximately 350 feet along centerline of unnamed road	*20	At upstream corporate limits of the Town of Anawalt	*1,703	About 0.5 mile upstream of Burleigh Road	*757
<i>Pacific Ocean at Copalis Beach:</i> Second Avenue extended at shoreline	*21	<i>Dry Fork:</i> At upstream County boundary	*985	<i>South Branch Underwood Creek:</i> About 550 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad	*720
<i>Pacific Ocean at Grayland:</i> Approximately 300 feet west from the center of the intersection of Marine Drive and Salt Aire Boulevard	*26	Downstream side of County Route 80-2	*1,007	Just downstream of Interstate 94	*722
<i>Pacific Ocean at South Bay:</i> Approximately 1,000 feet west from the intersection of State Highway 105 and Hunt Club Road	*10	Downstream side of County Route 2	*1,140	<i>Dousman Ditch:</i> At mouth	*823
<i>Roundtree Creek:</i> At Burlington Northern Railroad	*90	At confluence of Little State Creek	*1,200	Just downstream of North Calhoun Road	*836
<i>Satsop River:</i> Approximately 200 feet upstream from the centerline of Montesano-Elma Road	*40	Upstream side of County Route 83-14	*1,279	<i>Butler Ditch:</i> Just upstream of Hampton Road	*752
<i>Wynoochee River:</i> Approximately 200 feet downstream from the intersection of Wynoochee Road and Mooney Road	*41	At downstream corporate limits of the Town of War	*1,326	Just downstream of Lisbon Road	*774
Maps available for inspection at the Grays Harbor County Planning Department, P.O. Box 390, Montesano, Washington.		Approximately 280 feet upstream confluence with Big Branch	*1,466	<i>Butler Ditch South Branch:</i> At mouth	*762
La Center (City), Clark County (FEMA Docket No. 6696)		<i>Elkhorn Creek:</i> Downstream County boundary	*1,321	Just downstream of Capitol Drive	*767
<i>East Fork Lewis River:</i> At La Center Bridge	*30	Downstream side of State Route 52	*1,368	Maps available for inspection at the City Engineer's Office, City Hall, 2000 North Calhoun Road, Brookfield, Wisconsin.	
Maps available for inspection at The Lewis River News, P.O. Box 39, Woodland, Washington 98674.		Downstream corporate limits of the Town of Kimball	*1,478	Downing (Village), Dunn County (FEMA Docket No. 6690)	
WEST VIRGINIA		At confluence with Bottom Creek	*1,512	<i>Tiffany Creek:</i> About 1.0 mile downstream of Soo Line Railroad	*973
Buckhannon (City), Upshur County (FEMA Docket No. 6690)		At downstream corporate limits of the Town of Keystone	*1,623	Just downstream of State Highway 170	*983
<i>Buckhannon River:</i> At downstream corporate limits	*1,415	Approximately 680 feet upstream corporate limits of the Town of Northfork	*1,733	<i>Beaver Creek:</i> At mouth	*976
Upstream side of Florida Street	*1,416	<i>Bottom Creek:</i> At confluence with Elkhorn Creek	*1,512	About 1.1 miles upstream of County Highway Q	*993
At upstream corporate limits	*1,418	Upstream side of Bottom Creek Road (4th upstream crossing)	*1,581	<i>Sandy Creek:</i> At mouth	*977
Maps available for inspection at the City Hall, Main and Florida Streets, Buckhannon, West Virginia.		Approximately 125 feet upstream of Bottom Creek Road (7th upstream crossing)	*1,701	About 1,700 feet upstream of Soo Line Railroad	*981
Cameron (City), Marshall County (FEMA Docket No. 6690)		<i>Browns Creek:</i> Approximately 400 feet downstream confluence with Puncheoncamp Branch	*1,427	Maps available for inspection at the Village Hall, Downing, Wisconsin.	
<i>Grave Creek:</i> At downstream corporate limits	*1,025	Approximately 0.6 mile upstream confluence with Puncheoncamp Branch	*1,510	Fitchburg (City), Dane County (FEMA Docket No. 6695)	
At downstream side of Adeline Avenue	*1,045	<i>Davy Branch:</i> Approximately 1 mile upstream confluence with Tug Fork	*1,281	<i>Nine Springs Creek:</i> About 0.9 mile downstream of County Highway MM	*851
At upstream corporate limits	*1,079	Approximately 1.1 miles upstream confluence with Tug Fork	*1,290	About 1.0 mile upstream of Syene Road	*854
		Maps available for inspection at the County Courthouse, Welch, West Virginia.		Maps available for inspection at the City Hall, 2377 South Fishhatchery Road, Fitchburg, Wisconsin.	
		Philippi (City), Barbour County (FEMA Docket No. 6690)		Glenwood City (City), St. Croix County (FEMA Docket No. 6690)	
		<i>Tygart Valley River:</i> Approximately 0.5 mile downstream of Walnut Street	*1,304	<i>Tiffany Creek:</i> About 1,400 feet downstream of Town Road	*996
		Downstream side of Main Street	*1,306	About 3,200 feet upstream of Syms Avenue	*1,054
		Approximately 0.6 mile upstream of confluence of Anglins Run	*1,308	<i>Glenhaven Creek:</i> At mouth	*997
		<i>Shooks Run:</i> At confluence with Tygart Valley River	*1,307	About 1,100 feet upstream of Oak Street	*1,022
		Approximately 0.31 mile upstream of U.S. Route 119	*1,350	Maps available for inspection at the City Hall, 830 1st Avenue, Glenwood City, Wisconsin.	
		Upstream side of Park Street	*1,420		
		Approximately 20 feet upstream of upstream corporate limits	*1,425		
		<i>Anglins Run:</i> At confluence with Tygart Valley River	*1,307		
		Upstream side of Hall Street	*1,310		
		Upstream side of Dayton Street	*1,320		
		Approximately 1,040 feet upstream of Dayton Street	*1,345		
		Approximately 40 feet upstream of upstream corporate limits	*1,373		

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Kendall (Village), Monroe County (FEMA Docket No. 6696)	
<i>Main Branch Baraboo River:</i>	
About 2,400 feet downstream of State Highway 71	*1,005
About 1,700 feet upstream of County Highway P	*1,018
<i>West Branch Baraboo River:</i>	
At mouth	*1,015
About 600 feet upstream of West Street	*1,025
<i>North-west Branch Baraboo River:</i>	
At mouth	*1,020
About 500 feet upstream of Spring Street	*1,024
Maps available for inspection at the Municipal Building, Kendall, Wisconsin.	
Madison (City), Dane County (FEMA Docket No. 6696)	
<i>Starkweather Creek:</i>	
At mouth	*848
At confluence of East Branch Starkweather Creek	*849
<i>West Branch Starkweather Creek:</i>	
At confluence of East Branch Starkweather Creek	*849
About 0.5 mile upstream of U.S. Highway 51	*861
<i>East Branch Starkweather Creek:</i>	
At mouth	*849
About 1,000 feet upstream of Lien Road	*855
<i>Portage Road Tributary:</i>	
At mouth	*860
About 1,350 feet upstream of Hayes Road	*891
<i>Unnamed Tributary to Lake Waubesa:</i>	
About 1,000 feet downstream of U.S. Highway 51	*850
About 0.6 mile upstream of Marsh Road	*860
<i>Milwaukee Street Tributary:</i>	
Just upstream of mouth	*850
About 0.7 mile upstream of mouth	*853
<i>Yahara River:</i>	
Just upstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad	*848
About 2 miles upstream of State Highway 113	*854
<i>Nine Springs Creek:</i>	
At mouth	*848
About 800 feet upstream of Syene Road	*854
<i>Murphy Creek:</i> Within corporate limits	*848
<i>Lake Mendota:</i> Along shoreline	*852
<i>Lake Monona:</i> Along shoreline	*848
<i>Lake Waubesa:</i> Along shoreline	*847
Maps available for inspection at the Planning and Zoning Department, City County Building, Madison, Wisconsin.	

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in meters above ground. Elevation in meters (MSL)
COMMONWEALTH OF PUERTO RICO.	
Rio Grande de Patillas and Rio Guamaní Basin (FEMA Docket No. 6665)	
<i>Rio Grande de Patillas:</i> Along Puerto Rico Highway 3 and 181 as it crosses bridge over stream	*20.1
<i>Quebrada Mamey:</i> At the intersection of Calle Riggi and Calle Jesus T. Pinero	*20.8
<i>Rio Nigua (at Arroyo):</i> At the intersection of Puerto Rico Highway 3 and Calle B	*16.2
<i>Rio Nigua (at Pitahaya):</i> Along Access Road, 200 feet east of its intersection with Puerto Rico Highway 753	*60.3
<i>Rio Guamaní:</i> At the intersection of Calle P Doria and Calle Monserrate	*63.8
<i>Rio Seco:</i> On Puerto Rico Highway 713, 700 feet north of its intersection with Puerto Rico Highway 3	*17.0
<i>Rio Melania:</i> At intersection of Calle D and unnamed road, located 1,200 feet north of Puerto Rico Highway 3	*9.1
<i>Caribbean Sea:</i> At intersection of Calle San Felipe and Calle Munoz Rivera	*1.9
<i>Rio Nigua (Shallow Flooding):</i> At intersection of Calle Virgilio Sanchez and Calle General Brooke	*0.7
<i>Rio Melania (Shallow Flooding):</i> At the intersection of Puerto Rico Highways 3 and 707	*0.9
Maps available for inspection at the Planning Board, P.O. Box 41119, Minillas Station, D-Diego Avenue, Santurce, Puerto Rico.	
Piedras Basin (FEMA Docket No. 6665)	
<i>Canal Puerto Nuevo:</i> 20 meters upstream of Avenida Franklin D. Roosevelt (Puerto Rico Highway 23)	*5.0
<i>Rio Piedras:</i> Intersection of Calle Notre Dame and Calle Fordham	*9.0
<i>Quebrada Margarita:</i> Intersection of Calle Riverside and Calle San Patricio	*9.5
<i>Quebrada Dona Ana:</i> Intersection of Avenida De Diego and Calle 40	*15.2
<i>Quebrada Josefina:</i> Intersection of stream and Avenida De Diego	*19.7
<i>Quebrada Guacanal:</i> At confluence with Quebrada del Ausubo	*23.7
<i>Quebrada Cepero:</i> 10 meters upstream of Venus Gardens Entrance Road	*45.0
<i>Quebrada Juan Mendez:</i> Intersection of Calle Olot and Calle Cruz	*11.2
<i>Atlantic Ocean:</i> Intersection of Avenida Nereidas and Calle Barbosa	*1.6
Maps available for inspection at the Planning Board, P.O. Box 41119, Minillas Station, D-Diego Avenue, Santurce, Puerto Rico.	
Rio Majada Basin (FEMA Docket No. 6676)	
<i>Rio Nigua:</i> Intersection of Palmer and Miguel Streets	*10.0
<i>Caribbean Sea:</i> Intersection of Puerto Rico Highway 1 and Rio Jueyes	*2.3
Maps available for inspection at the Planning Board, P.O. Box 41119, Minillas Station, D-Diego Avenue, Santurce, Puerto Rico.	

Issued: May 20, 1986.

Julius W. Becton, Jr.,
Director.

[FR Doc. 86-11779 Filed 5-27-86; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 60590-6090]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce (Secretary) has determined that an emergency exists in the groundfish fisheries in the Gulf of Alaska, because (1) the best available biological and socioeconomic information indicates that the current optimum yields (OYs) for five species need modification and (2) Pacific ocean perch (POP), and "other rockfish" are fully utilized by U.S. fish processors, preventing allocations for bycatch under existing rules. The Secretary, therefore, (1) amends the currently incorrect OYs, including the OY for the "other species" category as required by formula under the fishery management plan, and (2) establishes prohibited species catch (PSC) limits for "other rockfish" and POP in joint venture and foreign fisheries and also for sablefish in foreign fisheries. The amended OYs are necessary to prevent biological and socioeconomic harm, which could otherwise occur if harvests were to occur at the current OY levels. The PSC limits are necessary to minimize the incidental catch of species fully utilized by U.S. fish processors and to avoid underutilization of large amounts of target groundfish species that would otherwise occur if joint venture or foreign fisheries were prohibited. These actions are intended as conservation measures that respond to the best available biological and socioeconomic information on the status of the groundfish fishery, while providing for full development and utilization of the existing Gulf of Alaska groundfish resources.

DATES: In § 611.92, paragraphs (b)(2), (c)(2)(i)(A) and (D), (c)(2)(ii)(A), (B) and (C), (e)(3)(ii), and (f)(2)(i) are suspended from May 22, 1986 until August 20, 1986. In § 611.92, new paragraphs (b)(5), (c)(2)(i)(F), (G), and (H), (c)(2)(ii)(D), (E), and (F), and (i) are added; in § 672.20(a) Table 1 is revised and a new paragraph

(a)(4) is added; and a new § 672.21 is added, to be effective from May 22, 1986, until August 20, 1986.

ADDRESS: The environmental assessment prepared for this emergency rule may be obtained from Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

Adjustments in Optimum Yields

The domestic and foreign groundfish fishery in the fishery conservation zone (3-200 miles offshore) of the Gulf of Alaska is managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations appearing at 50 CFR 611.92 and Part 672.

Regulations implementing the FMP establish OYs for each groundfish category and apportion them among domestic annual processing (DAP), joint venture processing (JVP), reserves, and total allowable level of foreign fishing (TALFF). Under § 611.92(c)(1) and § 672.20, initial apportionments of the OYs specified for the groundfish species listed in § 672.20, Table 1, are published by the Secretary by January 1 of each year. The Secretary published interim initial apportionments for the 1986 fishing year (51 FR 956, January 9, 1986) with a request for public comments; no comments were received.

The interim initial apportionments were based on outdated 1985 OYs, some of which conflict with the most recent best available information. The Council, at its December 10-14, 1985, meeting, recommended that OYs for certain species—pollock, Pacific cod, flounder, POP, and sablefish—be adjusted. The Council made these recommendations after considering reports from the Gulf of Alaska Plan Team (Team), the Council's Scientific and Statistical Committee (SSC) and Advisory Panel, and testimony from the public. However, under the FMP, OYs can only be changed by an amendment to the FMP. Based on the following information and rationale, the Secretary is amending the OYs of certain groundfish species, listed below in Table I, by emergency interim rule. Both the new OYs and the current 1985 OYs are included in Table I for comparison.

Apportionments of these OYs that were recommended by the Council at its December meeting have been approved

by the Secretary and are provided at § 672.20(a), Table 1. Biological information considered by the Council when it recommended adjustments to OYs is summarized from the environmental assessment prepared for this emergency interim rule as follows:

Pollock—The pollock biomass in the Western/Central Regulatory Area of the Gulf of Alaska is projected to decline to about 420,000 metric tons (mt) for 1986, well below the recommended threshold level (the level below which strong year classes will not be produced) of 600,000 to 700,000 mt. This projection is based on results of the 1985 hydroacoustic survey in Shelikof Strait, which suggests that abundance has declined from a high of 3,770,000 mt in 1981 to 700,000 mt in 1985. The 1985 biomass is a 62 percent decline from the 1984 biomass estimate of 1,840,000 mt. Contradicting the projection, however, is the trend in catch per unit of effort experienced by the 1985 joint venture fishery and the results of the 1984 triennial bottom trawl survey. This survey indicated a biomass of 1.2 million mt, consisting of age 3 fish and older. Thus, the difference between the 1985 hydroacoustic survey and the 1984 bottom trawl survey is 500,000 mt. No ready explanation exists to account for this large difference, although the hydroacoustic survey is known not to detect about 7-14 percent of the fish within two fathoms of the bottom. If the 1984 biomass estimate is more nearly correct, then hydroacoustic surveys underestimate biomass.

The Council's SSC recommended that the OY should be set at 100,000 mt. The Council accepted the SSC's recommendation and adopted a 1986 OY in the Western/Central area of 100,000 mt (Table I). The OY in the Eastern area of 16,000 mt is unchanged.

TABLE I.—CURRENT (1985) AND NEW (1986) OPTIMUM YIELDS (METRIC TONS) FOR POLLOCK, PACIFIC COD, FLOUNDER, PACIFIC OCEAN PERCH, SABLEFISH, AND "OTHER" SPECIES IN THE REGULATION AREAS AND DISTRICTS OF THE GULF OF ALASKA

Species	Area/district	Current	New
Pollock	Western/Central	305,000	100,000
	Eastern	16,000	16,000
Pacific cod	Western	16,560	29,951
	Central	33,540	33,049
Flounder	Eastern	9,900	12,000
	Western	10,400	5,360
	Central	14,700	5,000
	Eastern	8,400	4,020
Pacific ocean perch	Western	1,302	1,316
	Central	3,906	1,511
	Eastern	875	875
Sablefish	Western	1,670	2,850
	Central	3,060	6,150
	West Yakutat	1,680	2,550
	East Yakutat	850	1,104
	S.E. Outside	1,135	2,346
		470	
Other species		1,435	
	Gulf-wide	22,460	12,186

Pacific cod—The acceptable biological catch (ABC) is estimated to be 136,000 mt in all areas. In previous years, the OY has been set lower than the ABC to prevent excessive incidental catches of Pacific halibut. The Council recommended a 1986 OY to 75,000 mt distributed among the regulatory areas in proportion to the biomass in each area as follows: Western—29,951 mt, Central—33,049 mt, and Eastern—12,000 mt.

Flounder—The ABC is estimated to be equal to the maximum sustained yield (MSY) of 141,000 mt, because the stocks are in good condition due to high biomass and relatively low exploitation rates. In previous years, the OY has been set at 50 percent of the ABC to prevent excessive incidental catches of Pacific halibut. For 1986, the Council again recommended that the 1986 OY be substantially reduced to control the incidental catch of Pacific halibut. The Council recommended a 1986 OY of 14,380 mt distributed among the regulatory areas in proportion to the biomass in each area as follows: Western—5,360 mt, Central—5,000 mt, and Eastern—4,020 mt.

Pacific ocean perch—The condition of POP (*Sebastes alutus*) remains depressed. To protect this species, the Team recommended that the 1986 ABC for the Pacific ocean perch complex, which is composed of five species, be set equal to the ABC for *S. alutus* only, or 6,500 mt Gulf-wide, to be apportioned among the management areas according to biomass distribution. In order to promote rebuilding, however, the Council recommended a 1986 OY of 3,702 mt Gulf-wide. It recommended an OY in the Western area of 1,316 mt, which is a minor change from the current OY of 1,302 mt. However, it recommended a 1986 OY in the Central area of 1,511 mt, which is a substantial reduction from the current OY of 3,906 mt. It recommended no changes in the OY in the Eastern area, which is currently 875 mt.

Sablefish—The Team estimated the sablefish ABC to be 18,800 mt, which is the midpoint between the low end (12,630 mt for 1983-1985) and the high end (25,000 mt) of the ABC range. The biomass in the Gulf of Alaska is estimated to be 537,000 mt. A large portion of this biomass is attributed to a large 1980 or 1981 year class. The Council recommended a Gulf-wide 1986 OY of 15,000 mt be distributed among the management areas as follows: Western—2,850 mt, Central—6,150 mt, West Yakutat—2,550 mt; East Yakutat—1,104 mt; and Southeast Outside—2,346 mt. This new OY is a substantial increase over the current 1985 Gulf-wide OY of 8,890 mt, reflecting a significant

improvement in the condition of sablefish stocks.

Other species—FMP procedures specify that OYs for this group be set at 5 percent of the sum of OYs established for the designated species categories. On the basis of the sum of the 1986 OYs recommended by the Council, the 1986 OY for "other species" would be 12,186 mt.

Findings of the Secretary

The Secretary has reviewed the biological data pertaining to the above species and has determined that the potential adverse effects on the biological condition of some stocks and the negative economic effects of underutilizing other stocks constitute an emergency within the meaning of section 305(e) of the Magnuson Act. Therefore, the Secretary, by this emergency rule, is adjusting the OYs for these species. The Secretary's specific findings for each species follow:

Pollock—the status of pollock stocks indicates that fishing at the current OY level of 305,000 mt in the Western/Central Regulatory Area, which is three times higher than the recommended 1986 OY, could harm the pollock stocks and possibly result in overfishing. Overfishing is considered to be the level of fishing mortality that jeopardizes the capacity of a stock to recover to a level at which it can produce maximum biological yield or economic value on a long-term basis under prevailing environmental conditions (see Guidelines for Fishery Management Plans, 48 FR 7402, February 18, 1983).

Pacific cod—The status of Pacific cod indicates that substantial amounts of fish are available for harvest. If fishermen were constrained by the current OY of 60,000 mt instead of the recommended 1986 OY of 75,000 mt, they could suffer unnecessary economic harm. At 1985 prices of \$163 to \$454 per metric ton paid to fishermen for Pacific cod, the difference of 15,000 mt could mean a loss of gross revenue of between \$2,445,000 and \$6,810,000, assuming independent price effects.

Flounders—Although the condition of flounders is good, fishing at the current OY of 33,500 mt instead of the recommended 1986 OY of 14,380 mt could result in unacceptable bycatches of juvenile and adult Pacific halibut. Since Pacific halibut are of great commercial importance to the domestic hook-and-line industry, unacceptable economic harm could result to this industry. The recommended 1986 OY for flounders represents the projected potential harvest by domestic fishermen based on NMFS industry surveys and public testimony. Therefore, domestic

fishermen ought not to be adversely affected even though the 1986 OY is reduced 57 percent from its 1985 level.

Pacific ocean perch—The condition of POP (*S. alutus*) remains depressed. Fishing at the current OY of 5,208 mt for the species complex instead of 2,827 mt in the Western and Central Regulatory Areas would jeopardize the rebuilding of POP stocks intended by the Council. The OY in the Eastern area of 875 mt is unchanged.

Sablefish—The condition of sablefish indicates that substantially increased amounts are available for harvest in 1986. If fishermen were constrained by the current OY of 8,890 mt instead of the new OY of 15,000 mt, they would suffer unnecessary economic harm. Under Amendment 14 to the FMP (50 FR 43193, October 24, 1985), the sablefish OYs are allocated to certain legal gear types, as follows: hook-and-line gear—55 percent in the Western and Central areas, 95 percent in the Eastern area; trawl gear—20 percent in the Western and Central areas, 5 percent in the Eastern areas; and pot gear—25 percent in the Western and Central areas, none in the Eastern area. Allocations for all areas based on the current OYs (the percent for the gear times the OY for the area) would be as follows: hook-and-line gear—6,638 mt; trawl gear—1,159 mt; and pot gear—1,183 mt. Allocations for all areas based on the new OY amounts recommended by the Council (Table I) are as follows: hook-and-line gear—10,650 mt; trawl gear—2,100 mt; and pot gear—2,250 mt. Hence, the differences between the current and new OY allocations for hook-and-line gear, trawl gear, and pot gear are 4,012 mt, 941 mt, and 1,067 mt, respectively. At 1985 prices of \$1,278 per metric ton paid to fishermen for sablefish, the gross revenue that could be foregone by gear type could be as follows, assuming independent price effects: hook-and-line gear—\$5,127,336; trawl gear—\$1,202,598; and pot gear—\$1,363,626.

Prohibited Species Catch Limits

The Secretary has determined that three species will be fully utilized by U.S. fish processors in 1986: sablefish, POP, and "other rockfish", as defined in § 672.2. His determination is based on (1) a NMFS-conducted survey of the U.S. fishing industry's intent to harvest and process these species, and (2) comments received by the Council at its December 1985 meeting. Hence, the DAP specification for each of these species is equal to its OY.

Under the Magnuson Act sections 201(d)(2) and 204(b)(6)(B)(ii), species harvested by U.S. fishermen that will be fully utilized by domestic processors

may not be allocated for harvest in joint venture or foreign fisheries. Any taking of these species that would exceed their OYs would be inconsistent with the provisions of the FMP, which provide only that total fishing mortality of any groundfish species must not exceed the specified OY for any species category. Hence, no joint venture or foreign fishery could be allowed without accounting for the bycatch mortality of these species.

Mortality of these species as a result of being caught during joint venture operations could be accounted for without this emergency rule, because the Secretary could count any catches of these species against DAP. A U.S. vessel engaged in joint ventures may still deliver its catch of sablefish, POP, and "other rockfish" for sale as DAP unless the OY for these species has been reached. As a practical matter, such vessels are not likely to return to port to make these deliveries. They would just discard their catches at sea. These discards would still be counted against DAP, with no profit accruing to fishermen who land their catches in U.S. ports and who could otherwise have targeted on them. This emergency rule will allow POP and "other rockfish" to be discarded at sea after being delivered to, and sorted on, foreign processors; they will then be counted against the PSC limit, not the OY. Under § 611.11, catches of a prohibited species must be sorted promptly and returned to the sea with a minimum of injury, regardless of condition, after recording and allowing for sampling by an observer. U.S. vessels, however, are encouraged to land their catches of POP or "other rockfish" when practicable to minimize wastage that would otherwise occur when these fish are discarded at sea.

Foreign catches of any species for which DAP is equal to the OY, however, cannot be counted against DAP and, thus, no foreign fishery in the Gulf of Alaska could be allowed without an amendment to the FMP or an emergency rule that would also authorize treating these species as prohibited species under § 611.11. Establishing PSC limits by this emergency rule means that such species, when taken as bycatch in the foreign fisheries, can be treated as prohibited species under § 611.11 as discussed above.

The Secretary, through this emergency rule, is establishing PSC limits for POP and "other rockfish" that apply to joint venture fisheries; he also is establishing PSC limits for sablefish, POP, and "other rockfish" that apply to foreign fisheries (Table II). He is doing so on the basis of data pertaining to (1) bycatches of POP

and "other rockfish" by joint venture operations in 1985 and (2) bycatches of sablefish, POP, and "other rockfish" by the Japanese hook-and-line fleet during February through April 1985 when it was targeting on Pacific cod. He has also considered the best available information on the status of these species, and the need to promote an orderly fishery by providing adequate PSC amounts of these species.

TABLE II.—ACCEPTABLE BIOLOGICAL CATCHES (ABCs), OPTIMUM YIELDS (OYs), AND PROHIBITED SPECIES CATCH (PSC) LIMITS IN THE JOINT VENTURE (JVP) AND FOREIGN (TALFF) FISHERIES FOR SABLEFISH, PACIFIC OCEAN PERCH, AND "OTHER ROCKFISH" IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GULF OF ALASKA (FIGURES ARE IN METRIC TONS).

	ABC	OY	PSC	
			JVP	TALFF
Sablefish:				
Western	2,500	2,850	N/A	30
Central	6,150	6,150	N/A	0
Pacific Ocean Perch:				
Western	2,800	1,316	200	10
Central	3,300	1,510	35	10
Other Rockfish:				
Gulf-wide	(¹)	4,600	50	3

¹ Unknown.

The Secretary has determined that these PSCs, when added to the OYs of sablefish, POP, and other rockfish, will not result in overfishing of these species. These PSC levels will promote an orderly joint venture fishery without imposing a burden on domestic fishermen. They will allow vessels of Japan to harvest their Pacific cod allocations as long as their incidental catch of species that are fully utilized by the U.S. industry remains below the PSC limit.

Classification

The Assistant Administrator for Fisheries, NOAA, has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law. The new OYs implemented by this rule are based on the best available information that takes into account the biomasses determined by 1985 trawl and hydroacoustic surveys. Pollock stocks could be overfished and the Council's intended rebuilding of POP stocks could be jeopardized should fishing be allowed to proceed to the 1985 OY level. Establishing PSCs by this action will prevent overfishing while avoiding the disruption in foreign fishing and wastage of groundfish that would otherwise occur.

The Assistant Administrator also finds that beginning and ending the foreign hook-and-line fishery as early as possible in 1986 is desirable because fewer sablefish, POP, and "other rockfish" are caught early in the year. It will constrain joint venture fisheries to bycatches only of POP and rockfish, thus allowing U.S. fishermen delivering to U.S. fish processors to fully utilize OYs for these species.

The Assistant Administrator finds that promulgation of this rule on an emergency basis for the reasons given below make it impracticable and contrary to the public interest to provide notice and a prior opportunity for public comment, or to delay the effective date of this rule for 30 days, as required by section 553 (b) and (d) of the Administrative Procedure Act. Early implementation of the rule is desirable, because it conveys a benefit to the fishing industry which has a need to base its planning operations on the best available information. Immediate issuance of this emergency rule is needed to avoid disruption of Japanese hook-and-line fisheries for Pacific cod that traditionally occur early in the year when low incidental catches of sablefish, POP, and "other rockfish" are experienced. The Assistant Administrator recognizes that the public has had opportunity to comment on the OY changes at the Council's December 1985 meeting when this subject was discussed during public hearings. Foreign nations may find that a lengthy delay in their directed fishing operations would cause them to forego all fishing in the Gulf of Alaska for the remainder of 1986, which would jeopardize joint venture agreements. Such a delay could also jeopardize purchasing agreements by foreign nations to buy U.S.-processed products if foreign nations ceased fishing operations. Severe socioeconomic harm could be incurred by both the domestic and foreign fishing industries by providing a prior comment period or a delayed effectiveness period.

The Regional Director prepared an environmental assessment (EA) for this action and concluded that no significant impact on the human environment will result from its implementation. The OY adjustments are based on the best available information on the status of the stocks. The PSC limits are based on recent catch rates experienced by joint venture and foreign fisheries and on reevaluations of ABCs for each species. Copies of the EA are available at the address above.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in

section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why following the procedures of that order is not possible.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by Alaska's Office of Management and Budget under section 307 of the Coastal Zone Management Act.

The Regulatory Flexibility Act does not apply to this rule because, as an emergency rule, it was not required to be promulgated as a proposed rule and the rule is issued without opportunity for prior public comment. Since notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act, and since no other law requires that notice and opportunity for comment be given for this rule, under sections 603(a) and 604(a) of the Regulatory Flexibility Act no initial or final regulatory flexibility analysis has to be or will be prepared.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Parts 611 and 672

Fisheries, Reporting and recordkeeping requirements.

Dated: May 22, 1986.

Carmen J. Blondin,
Deputy Assistant Administrator for Fisheries
Resource Management, National Marine
Fisheries Service.

For the reasons set out in the preamble, Parts 611 and 672 are amended as follows:

PART 611—[AMENDED]

1. The authority citation for Part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In 611.92, paragraphs (b)(2); (c)(2)(i)(A) and (D); (c)(2)(ii)(A), (B) and (C); (e)(3)(ii); and (f)(2)(i) are suspended from May 22, 1986, until August 20, 1986. New paragraphs (b)(5); (c)(2)(i)(F), (G), and (H); (c)(2)(ii)(D), (E), and (F); and (i) are added, effective from May 22, 1986 until August 20, 1986, to read as follows:

§ 611.92 Gulf of Alaska groundfish fishery.

* * *

(b) * * *

(5) "Target species" are the species that are commercially important and are

generally targeted on by the foreign groundfish fishery. They include pollock, Pacific cod, flounders, Pacific ocean perch, other rockfish, sablefish, Atka mackerel, squid, and thornyhead rockfish. Sufficient data on each species or species group exist for it to be managed separately from the others. Records of the catch of each target species or species group must be kept. Pacific ocean perch, "other rockfish", and sablefish are prohibited to foreign vessels, and must be treated in accordance with § 611.11 and paragraph (i) of this section.

(c) * * *

(2) * * *

(i) * * *

(F) When a nation's foreign fishing vessels using hook-and-line gear have taken their applicable share of a prohibited species provided for by paragraph (i) of this section for sablefish, Pacific ocean perch, or other rockfish, or their allocation of Pacific cod is reached, fishing by that nation is prohibited in that regulatory area.

(G) When foreign fishing vessels of a nation have caught the amount of the allocation of that nation for any groundfish species or species group in any regulatory area, fishing for groundfish using other than hook-and-line gear in that regulatory area by vessels of that nation is prohibited, even if allocations of other species for that nation in the regulatory area have not been reached or the nation has not received a notice issued under § 611.13(c) prohibiting fishing by vessels of that nation in that regulatory area.

(H) When the area allocation of any groundfish species or species group other than Pacific cod is reached, unless the fishery is closed under other provisions of this section, any subsequent catch of that species in that area by vessels fishing with hook-and-line gear will be considered catch of a prohibited species and treated in accordance with the provisions of § 611.11. Catches of those species or species groups in the target and "other species" categories that become prohibited species must be recorded and reported as required by § 611.9.

(ii) * * *

(D) TALFF for any groundfish species, species group, or category in a regulatory area or district: the Secretary will issue a notice prohibiting through December 31 fishing using trawl gear for groundfish in that regulatory area or district, except that if the TALFF for Pacific cod in a regulatory area or district will be reached, the Secretary will prohibit fishing for groundfish in that regulatory area or district by all vessels subject to this section.

(E) The allocation of a nation for any groundfish species, species group, or species category in a regulatory area or district: the Secretary will issue a notice prohibiting through December 31 in that regulatory area or district, fishing using trawl gear for groundfish by vessels of that nation and retention of that species, species group, or species category by vessels of that nation using hook-and-line gear. However, if a national allocation for Pacific cod in a regulatory area of district will be reached, the

Secretary will prohibit fishing for groundfish in that regulatory area or district by all vessels of that nation through December 31.

(F) The prohibited species share of a nation for sablefish, Pacific ocean perch, or rockfish in a regulatory area: the Secretary will issue a notice prohibiting through December 31 further fishing by vessels of that nation in that regulatory area.

(i) Prohibited species catch limits.

When during any fishing year the hook-and-line vessels of a nation have taken incidentally that nation's current share of the PSC for sablefish, Pacific ocean perch, or other rockfish in a regulatory area as determined from § 672.21 of this chapter, the entire regulatory area will be closed to hook-and-line fishing by vessels of that nation for the remainder of the fishing year.

PART 672—[AMENDED]

3. The authority citation for Part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

4. In Part 672, in the table of contents, a new section is added, to read as follows:

* * * * *

Sec.
672.21 Catch limitations.
* * * * *

5. In § 672.20, Table 1 at paragraph (a) is amended and paragraph (a)(4) is added, to read as follows:

§ 672.20 Optimum yield.
(a) * * *

TABLE 1.—INITIAL (AS OF JAN. 1, EACH YEAR) OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF), ALL IN METRIC TONS, OY=DAH+RESERVE+TALFF; DAH=DAP+JVP.

Species/species code	OY	DAH	DAP	JVP	Reserve	TALFF
Gulf of Alaska Groundfish Fishery						
Pollock 701:						
W/C.....	100,000	80,000	40,000	40,000	20,000	0
Eastern.....	16,000	13,280	1,841	11,439	3,320	0
Total.....	116,000	93,280	41,841	51,439	23,320	0
Pacific cod 702:						
Western.....	29,951	12,321	9,800	2,521	5,990	11,640
Central.....	33,049	22,559	18,000	2,959	6,610	3,880
Eastern.....	12,000	9,600	5,600	4,000	2,400	0
Total.....	75,000	44,480	35,000	9,480	15,000	15,520
Flounders 129:						
Western.....	5,300	4,288	3,252	1,036	1,072	0
Central.....	5,000	4,000	2,916	1,084	1,000	0
Eastern.....	4,020	3,216	3,216	0	804	0
Total.....	14,380	11,504	9,384	2,120	2,876	0
Pacific Ocean perch 780:						
Western.....	1,316	1,316	1,316	0	0	0
Central.....	1,511	1,511	1,511	0	0	0
Eastern.....	875	875	875	0	0	0
Total.....	3,702	3,702	3,702	0	0	0
Sablefish 703:						
Western.....	2,850	2,850	2,850	0	0	0
Central.....	6,150	6,150	6,150	0	0	0
W Yakutat.....	2,550	2,550	2,550	0	0	0
E Yakutat.....	1,104	1,104	1,104	0	0	0
Southeast.....	2,346	2,346	2,346	0	0	0
Total.....	15,000	15,000	15,000	0	0	0
Other Species Gulf-Wide 499.....	12,186	9,749	4,875	4,874	2,437	0

(4) If a joint venture prohibited species catch limit, set forth in § 672.21 for Pacific ocean perch or "other rockfish" for the Western or Central Regulatory Area, is taken by U.S. vessels while fishing in joint ventures for delivery to foreign vessels, that entire regulatory area will be closed to further delivery by U.S. vessels of groundfish to foreign vessels.

6. A new § 672.21 is added, to read as follows:

§ 672.21 Catch limitations.

Prohibited species catch (PSC) limits. PSC limits in the regulatory areas of the Gulf of Alaska are set forth in Table 2.

TABLE 2.—PROHIBITED SPECIES CATCH LIMITS FOR SABLEFISH, PACIFIC OCEAN PERCH, AND "OTHER ROCKFISH" (METRIC TONS)

Species	Regulatory area		Gulf-wide
	Western	Central	
Sablefish:			
TALFF	140	31	
Pacific ocean perch:			
JVP	200	10	
TALFF	35	10	
Rockfish:			
JVP			50
TALFF			10

[FR Doc. 86-11902 Filed 5-22-86; 4:31 pm]

BILLING CODE 3510-22-M

50 CFR Part 641

[Docket No. 51181-6087]

Reef Fish Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule to amend the implementing regulations for the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Persons fishing from headboats were exempted from the minimum size limit and incidental catch allowance for red snapper until May 8, 1986. This rule extends the exemption period one year until May 8, 1987, and makes minor word changes in the effort limitations section. The intent of the rule

is to provide additional time to conduct survival studies for undersized red snapper and to evaluate the economics of these measures.

EFFECTIVE DATES: Section 641.23(b)(2) is effective from May 8, 1986, through May 8, 1987. Section 641.25 is effective May 8, 1986.

ADDRESS: A copy of the combined final regulatory flexibility analysis/regulatory impact review for the regulation implementing the FMP may be obtained from Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: The FMP was approved June 3, 1984 and implemented on October 9, 1984 (49 FR 39553). The implementing rule contained an exemption from the minimum size limit and incidental catch allowance for undersized red snapper for persons fishing from headboats until May 8, 1986. Proposed rules to extend the headboat exemption were published on February 18, 1986 (51 FR 5748). Comments on the proposed rule were invited through March 20, 1986. A complete discussion of the reasons for the extension of the minimum size limit for the headboat fishery is found in the proposed rule and is not repeated here.

Twelve written responses were received during the comment period. Three of these responses, one from a headboat business and one from the Texas Parks and Wildlife Department, fully supported the one year extension of the exemption. The Gulf of Mexico Fishery Management Council (Council), originator of the FMP, requested an additional 6-month deferral to the proposed one year deferral (until November 8, 1987) because of a time-lag in obtaining data needed to update reef fish stock assessments.

Nine responses objected to extending the deferral for headboats and came from charter boat operators, private boat recreational fishermen, the Galveston Chapter of Gulf Coast Conservation Association, the Florida Marine Fisheries Commission, a commercial dealer, and a fish trap manufacturing company. Two common remarks woven into all of the objections

were that any continuation of the deferral for headboats was unfair to the other sectors of the fishery that are currently regulated by the size limit and incidental catch allowance for red snapper, and the reliance of headboats on catches of small red snapper is evidence that this sector is perpetrating extensive damage to an already overfished resource.

The 18-month exemption for headboats was initially authorized because of the number of small red snapper taken and the lack of data that would allow specification of economic impacts on the headboats sector of the fishery, coupled with the uncertainty of the survival of the undersized fish that would have to be released by headboat passengers. Other sectors of the fishery were not exempted from the size limit because they had greater flexibility in shifting effort to areas where larger fish were available, or because their fishing activities were conducted in shallower waters where survival rates of released undersized fish were expected to be reasonably high.

When the regulations for the FMP were implemented there was a limited amount of evidence that an acceptable number of hooked and released red snapper would survive, but most data was indirect evidence based upon mark-recapture studies. During the 18-month period of deferral (October 1984–April 1986) additional studies were conducted by NMFS to try to determine survival rates of fish hooked at various depths and released at the surface. Results to date have not been conclusive as to the survival rates for undersize (less than 12 inches fork length) red snapper in waters greater than 100 feet in depth, although data to indicate reduced survival with increasing depth. Unaccounted factors could further lower these survival rates. Analyses by NMFS indicates that to increase yield per recruit (the intent of the size limit) survival must equal or exceed 60 percent if natural mortality (M)=0.35, or 50 percent if M=0.25.

One commenter suggested that for commercial boats the catch "limit" for undersized red snapper be prorated on a daily basis rather than a per trip basis, since many small fish are killed by the high speed of retrieval from deep waters. This would result in a reduced

waste or small fish as the boats fish up to two weeks per trip. The incidental catch allowance was instituted to discourage fishing in areas heavily populated by small fish and should not be viewed as a "limit" to be achieved. Hopefully, fishermen catching large numbers of undersized fish would shift their effort to areas populated by larger fish. At any rate, modifying the incidental catch allowance is outside the scope of the proposed rule and is an issue more appropriately addressed by the Council during the FMP amendment process.

The proposed rule to extend the deferral for headboats was initially prepared in response to a June 18, 1985 request by the Council. The Council request indicated that they were in the process of amending the FMP, and rather than preparing a separate amendment addressing size limits, chose to incorporate this issue in the general FMP amendment that would cover a number of other issues. The general FMP amendment schedule is dependent upon the availability of new stock assessment data, and data from the survival studies to evaluate changes in yield per recruit. These data could lead to a respecification of the size limit or the institution of size limits that vary geographically in accordance with size distribution of red snapper. Since the stock assessments are 6 months behind schedule, the Council has requested an additional 6 months extension of the headboat exemption so that the size limit issue can be addressed in the general FMP amendment.

NOAA believes that the proposed 12-month extension will be adequate time for the remaining field and laboratory research and data analysis to be completed in, and therefore does not agree that an 18-month extension is required. Based on the above, the Secretary therefore extends the size limit exemption to the headboat fishery for 12 more months.

Also, the text in § 641.25 is revised to clarify that the limitation of 200 traps applies to those traps actually assigned to a vessel.

Classification

The Assistant Administrator for Fisheries, NOAA, has previously determined that the FMP and implementing regulations, of which this final rule is to be a part, is consistent with the national standards and other provisions of the Magnuson Act and other applicable law (49 FR 39548, October 9, 1984).

It was previously determined, on the basis of a regulatory impact review

(RIR) and regulatory flexibility analysis (RFA) that rules to implement the FMP are not major under Executive Order 12291. The RIR and RFA were summarized in the preamble to the final rule for the FMP (see 49 FR 39548) and are not repeated here. This is an extension of the time period for a measure in the final rule and, therefore, a supplemental RIR has not been prepared.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities because the rule simply extends an existing deferral for headboats from size limit restrictions in the implementing regulations. The rule will lessen impacts on the headboat fleet for a specified period of time.

Because this is a continuation of a substantive rule which relieves a restriction, the 30-day delayed effectiveness provisions of the Administrative Procedure Act do not apply.

This rule does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 641

Fisheries, Fishing.

Dated: May 22, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

PART 641—[AMENDED]

For reasons set forth in the preamble, 50 CFR Part 641 is amended as follows:

1. The authority citation for Part 641 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 641.23, paragraph (b)(2) is revised to read as follows:

§ 641.23 Size and incidental catch restrictions.

* * *

(b) * * *

(2) Persons fishing from headboats in the FCZ are exempt from the minimum size limit and incidental catch limit for red snapper until May 8, 1987.

* * *

3. Section 641.25 is revised to read as follows:

§ 641.25 Effort limitations.

The maximum number of fish traps that may be assigned to a vessel in the FCZ is 200.

[FR Doc. 86-11901 Filed 5-22-86; 4:34 pm]

BILLING CODE 3510-22-M

50 CFR Part 642

[Docket No. 21021-216]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical amendment.

SUMMARY: NOAA issues this final rule implementing a technical amendment to the regulations for the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP). This rule deletes any remaining language applicable to the terminated requirement for observers aboard purse seine vessels.

EFFECTIVE DATE: May 28, 1986.

FOR FURTHER INFORMATION CONTACT: Donald W. Geagan, 813-893-3722.

SUPPLEMENTARY INFORMATION: NOAA published a final rule February 4, 1983 (48 FR 5270), to implement the FMP. The final rule at § 642.24(b) required observers to be aboard vessels using purse seines to fish for Spanish and king mackerel. The FMP authorized this observer requirement for a three year period which ended February 3, 1986. The observer requirement was removed from the regulations by a technical amendment (51 FR 12857, April 16, 1986), by removing § 642.24(b) and renumbering § 642.24(c) as a new paragraph (b).

Through an oversight, the technical amendment did not delete all reference to the requirement for observers in the renumbered paragraph (b). Therefore, NOAA amends the rule to remove all remaining language concerning observers from the renumbered paragraph (b).

Other Matters

This action is taken under the authority of 50 CFR Part 642 and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 21, 1986.

Carmen J. Blondin,
Deputy Assistant Administrator For Fisheries
Resource Management, National Marine
Fisheries Service.

PART 642—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 642 is amended as follows:

1. The authority citation for Part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 642.24 is amended by revising paragraph (b) to read as follows:

§ 642.24 Vessel, gear, and equipment limitations.

(b) *Purse seine catch allowance.* A vessel with a purse seine aboard during a king or Spanish mackerel purse seine closure affected in accordance with § 642.22(a) will be considered to have been fishing for king or Spanish mackerel in violation of the closure when such vessel possesses or lands king or Spanish mackerel in excess of one percent or ten percent, respectively, by weight or number (whichever allows the lesser amount of king or Spanish mackerel) of all fish aboard or landed. King or Spanish mackerel in quantities less than one percent or ten percent are subject to the prohibition on sale provided for under § 642.22(a).

[FR Doc. 86-11850 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 649

[Docket No. 60336-6086]

American Lobster Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule.

SUMMARY: NOAA issues this final rule implementing Amendment 1 (amendment) to the Fishery Management Plan for the American Lobster Fishery (FMP). These regulations implement the amendment by: (1) Instituting a uniform lobster fishing gear marking system for the offshore lobster fishery; (2) providing the Regional Director the authority to grant research exemptions from any lobster FMP regulations and/or establish closed areas for research purposes; and (3) distinguishing red crab fishing gear, operating deeper than 200 fathoms, from gear capable of taking lobster. The intended effect is to promote fishing efficiency by reducing the incidence of

gear conflicts and ensuring that red crab gear is not unnecessarily included in measures intended for the lobster fishery.

EFFECTIVE DATE: June 22, 1986.

ADDRESS: Copies of the amendment, the environmental assessment, and the regulatory impact analysis are available from Mr. Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Carol J. Kilbride, Resource Policy Analyst, 617-281-3600, ext. 331; or Kathi L. Rodrigues, Resource Management Specialist, 617-281-3600, ext. 324.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the American Lobster Fishery was prepared by the New England Fishery Management Council (Council). Amendment 1 to the FMP was partially approved by the Administrator of NOAA on May 8, 1986. The approved portions of the amendment: (1) Establish a uniform and identifiable gear marking system that will afford mobile gear operators a chance to avoid fixed lobster gear; (2) provide authority to the Regional Director to allow exemptions from the regulations and to close areas for the purpose of conducting research that will be beneficial to the lobster resource; and (3) clarify that red crab fishing gear, operating deeper than 200 fathoms, is gear not capable of taking lobster, and therefore not subject to the lobster regulations.

The need for a gear marking system arises from the increase in utilization of fishery resources by different gear types which, in turn, increases competition and congestion on fishing grounds and results in a greater incidence of gear conflicts. Gear conflicts are costly in terms of lost fishing gear and fishing time.

The minimum marking standards contained within the amendment consist of the following: (1) The westernmost end of a lobster trawl must be marked by an 8 inch (or larger) standard tetrahedral corner radar reflector and a single flag or pennant; (2) the easternmost end of a trawl must be marked by an 8 inch (or larger) standard tetrahedral corner radar reflector only. In addition, lobster trawls are limited to a length of 1.5 miles.

The amendment provides authority to the Regional Director, upon the recommendation of the New England Fishery Management Council, to allow exemptions from any provisions of the regulations and to close areas to fishing in order to conduct research beneficial to the lobster resource. Closures are to

be implemented through a regulatory amendment. If the area to be closed is within the jurisdiction of the Mid-Atlantic Fishery Management Council, then this Council must concur with the recommendation of the New England Fishery Management Council in order for the closure to occur.

The amendment also draws a distinction between red crab fishing gear which is operated deeper than 200 fathoms, and gear capable of taking lobsters. All available evidence indicates that the red crab fishery is devoid of any lobster bycatch and operates in an area where there is no mobile gear. Therefore, it should not be subject to the regulations of the FMP. Such restrictions would preclude the operation of an economically viable red crab fishery.

The Acting Regional Director has disapproved that portion of the amendment which proposed to exempt certain trap gear from the venting requirement of the lobster regulations because that proposal was not necessary and appropriate for the conservation and management of the lobster resource, and it was inconsistent with National Standards. The disapproved provision exempted trap gear capable of taking lobster from the venting requirement of the regulations, if such gear is: (1) Fished in an area south of Barnegat Light, NJ, and shoreward of the 30 fathom contour; (2) fished in an unbaited condition; and (3) subject to a maximum bycatch of one hundred pounds of lobster per trip.

The intended effect of this provision is to exempt fish trap fishermen, who fish principally for black sea bass, from the trap venting requirement because a certain portion of marketable fish escape through the vent. However, this provision of the amendment, as written and submitted by the Council, has the unintended effect of creating a geographical area where all traps fished, including lobster traps, would be exempt from the venting requirement.

One of the principal deficiencies of this provision is that it is not based on a substantial weight of evidence to conclude, in accordance with Section 303 of the Magnuson Act, that it is necessary and appropriate for the conservation and management of the lobster resource. Evidence to support the one hundred pound bycatch trip allowance is deficient. At this level of bycatch, a directed fishery for lobsters could develop. While the Council states that the impact on the lobster resource as a whole is minimal, it has failed to examine the impact on the local lobster fishery within the exempted area.

The exemption also raises issues with respect to National Standard 6 because it does not provide for any variations or contingencies either in the overall lobster fishery, or those discreet lobster populations that may reside within the bounds of the exempted area. For example, an increase in the lobster resource could result in a much higher juvenile mortality than was contemplated in the amendment.

The exemption provision is inconsistent with Executive Order 12291 and National Standard 7 since it fails to provide any ability to enforce its terms to any meaningful and practical degree. There are no means to identify those individuals who are seeking the advantage of the exemption, nor to constrain individuals to fish only in the exempted area. As written, the provision would allow anyone to set unlimited traps in the area specified and land up to one hundred pounds of lobster per fishing trip. The benefits of this provision are ostensibly minimal and the costs of enforcing it are substantial.

Proposed regulations to implement the amendment were published on March 10, 1986 (51 FR 8220). The public comment period ended on April 18, 1986. One written comment was received.

Response to Public Comments

Written comments were received from the New England Fishery Management Council. The Council pointed out an error in § 649.21(b)(4)(ii) of the proposed rule, which describes the Georges Bank gear marking area. NOAA acknowledges this error and has made the necessary correction to the final rule.

Additionally, the Council raised a concern regarding the language of § 649.22 in the proposed rule, in which the authority to close areas in the Mid-Atlantic is based solely on a recommendation from the Mid-Atlantic Fishery Management Council. Because the New England Fishery Management Council is the lead council for lobster management, NOAA has revised the final rule to address the Council's concern and provide it a lead role in recommending closures to the Regional Director. However, if the closure is within the Mid-Atlantic Council's area of jurisdiction, then that Council must concur with the recommendation of the New England Council before any action may be taken by the Regional Director.

Changes to the Proposed Regulations

Section 649.7, Prohibitions, has been revised for consistency with Amendment 1 and the existing regulations. In paragraph (a)(6), the

word "identified" has been added between "not" and "marked" for consistency with the amendment. The phrases "fishing for" and "or from" have been added to paragraph (b)(2) for consistency with other sections of the existing regulations, and now reads "To use any vessel for taking, catching, harvesting, *fishing for*, or landing of any American lobster in, *or from*, the FCZ . . .". Without the phrase, "fishing for", it could be argued that a vessel is in violation of the regulation only if it is successful in the context of the definition of taking, catching, and harvesting. This is inconsistent with § 649.4 which requires a vessel to have a permit to fish for lobsters, even if such fishing, by definition, does not result in the taking or retaining of the lobster. The phrase "or from" has been added to this same paragraph for consistency with the existing sections of the regulations, and to clarify that it is a violation to offload in State waters lobsters that were illegally taken in the fishery conservation zone (FCZ).

Several revisions have been made to § 649.21 in the final regulations. Paragraph (b)(2) has been revised to clarify the dimensions of the radar reflectors and to indicate that they must be made of metal. In paragraph (b)(4), the areas of applicability have been entitled "gear areas" (for example, Mid-Atlantic Gear Area) to avoid confusion with other geographical definitions. In addition, references to depth contours have been deleted; instead the final regulations require that gear be marked, if set at depths equal to or greater than the respective depth contour.

In the proposed regulations, § 649.21(b)(4)(ii) incorrectly described the gear marking area for Georges Bank as all the waters of the FCZ south of 42°20' N. latitude and east of 70°00' W. longitude and seaward of the 25 fathom depth contour. It should have read "all the waters of the FCZ south of 42°20' N. latitude and east of 70°00' W. longitude or the outer boundary of the territorial sea, whichever lies further east." The final regulations have been corrected.

Also, the Mid-Atlantic Gear Area, at § 649.21(b)(4)(iv) has been revised to include a southern boundary. Otherwise, it could be interpreted that the gear marking requirement is applicable in the area south of the geographic jurisdiction of the Mid-Atlantic Fishery Management Council, which is not the intent of the amendment.

Lastly, because the trap vent exemption proposed in the amendment was disapproved, the regulatory language contained in § 649.21(c) regarding the exemption has not been included in the final regulations.

As a result of the comment received from the New England Fishery Management Council, § 649.22 has been revised to provide that Council the lead role to recommend area closures. However, the final rule also provides that if an area to be closed is within the jurisdiction of the Mid-Atlantic Council, that Council must concur with the recommendation of the New England Council before action may be taken by the Regional Director.

Classification

The Administrator of NOAA determined that the approved portions of the amendment are necessary and appropriate for the conservation and management of the lobster resource, and are consistent with the Magnuson Act and other applicable law.

The Council prepared an environmental assessment for this amendment and concluded that there will be no significant impact on the environment as a result of this rule. A copy of the environmental assessment may be obtained from the Council at the address given above.

The Administrator of NOAA determined that the proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. A summary was published at 51 FR 8220.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities (summary published at 51 FR 8220). As a result, a regulatory flexibility analysis was not prepared.

This rule does not contain a collection of information requirement for the purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal zone management programs of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Delaware, Maryland, New Jersey, and North Carolina. This determination has been submitted for review by the responsible State agencies under Section 307 of the Coastal Zone Management Act. The State agencies agreed with this determination, except for Maine, Maryland, and North Carolina which failed to comment within the statutory time period.

List of Subjects in 50 CFR Part 649

Fisheries, Reporting and recordkeeping requirements.

Dated: May 22, 1986.

Carmen J. Blendin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

PART 649—[AMENDED]

For the reasons set out in the preamble, 50 CFR Part 649 is proposed to be amended as follows:

1. The authority citation for 50 CFR Part 649 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§§ 649.21 and 649.22 [Amended]

2. The Table of Contents is amended by revising the title of § 649.21 to read "Gear identification, marking, and escape vent requirement," and adding a new section title that reads "§ 649.22 Exemption and area closure."

3. Section 649.1 is amended by adding a new sentence at the end of the paragraph to read as follows:

§ 649.1 Purpose and scope.

*** Red crab fishing gear which is fished deeper than 200 fathoms is gear not capable of taking lobsters, and is not subject to the provisions of these regulations.

4. Section 649.7 is amended by revising paragraphs (a) introductory text, (a)(6), and (b) (2) to read as follows:

§ 649.7 Prohibitions.

(a) It is unlawful for any person issued a permit under § 649.4, or for any person fishing in the FCZ—

(6) To possess, deploy, haul, harvest lobster from, or carry aboard a vessel any gear not identified, marked and vented in accordance with the requirements specified in § 649.21;

(b) ***

(2) To use any vessel for taking, catching, harvesting, fishing for, or landing of any American lobster in, or from, the FCZ unless the vessel or operator has a valid permit issued under this part, and the permit is aboard the vessel;

5. Section 649.21 is revised to read as follows:

§ 649.21 Gear identification, marking, and escape vent requirements.

(a) *Identification.* All lobster gear deployed in the FCZ or possessed by a person whose vessel is permitted for fishing in the FCZ, and not permanently

attached to the vessel, must be legibly and indelibly marked with one of the following codes of identification:

(1) The vessel's Federal fishery permit number; and/or

(2) Whatever positive identification marking is required by the vessel's homeport State.

(b) *Marking.* In the areas of the FCZ described in paragraph (b)(4) below, lobster pot trawls are to be marked as follows:

(1) Lobster pot trawls of three or less pots must be marked with a single buoy.

(2) Lobster pot trawls consisting of more than three pots must have a radar reflector and a single flag or pennant on the westernmost end (marking the half compass circle from magnetic south through west to and including north), while the easternmost end (meaning the half compass circle from magnetic north through east to and including south) of a lobster trawl must be marked with a radar reflector only. Standard tetrahedral corner radar reflectors (see Figure 1) of at least 8 inches (both in height and width and made from metal) must be employed.

(3) No lobster pot trawl shall exceed 1.5 miles in length as measured from buoy to buoy.

(4) Gear marking requirements apply in the following areas:

(i) *Gulf of Maine Gear Area.* All waters of the FCZ north of 42°20' N. latitude seaward of a line drawn 12 miles from the baseline of the territorial sea;

(ii) *Georges Bank Gear Area.* All waters of the FCZ south of 42°20' N. latitude and east of 70°00' W. longitude or the outer boundary of the territorial sea, whichever lies further east;

(iii) *Southern New England Gear Area.* All waters of the FCZ west of 70°00' W. longitude, east of 71°30' W. longitude at a depth greater than 25 fathoms; and

(iv) *Mid-Atlantic Gear Area.* All waters of the FCZ, west of 71°30' W. longitude and north of 36°33' N. latitude at a depth greater than 40 fathoms.

(c) *Escape Vents.* All lobster traps deployed in the FCZ or possessed by a person whose vessel is permitted for fishing in the FCZ must be constructed to include one of the following escape vents in the parlor section of the trap. The vent must be located in such a manner that it would not be blocked or obstructed by any portion of the trap, associated gear, or the sea floor in normal use.

(1) A rectangular portal with an unobstructed opening not less than 1 1/4 inches (44.5 mm) by six inches (152.5 mm);

(2) Two circular portals with unobstructed openings not less than 2 1/4 inches (57.2 mm) in diameter; or

(3) Any other vent certified by the Regional Director to release a substantial number of lobsters under 3 1/8 inches carapace length from the trap.

(d) *Enforcement action.* Unidentified, unmarked, unvented, or improperly vented lobster traps will be seized and disposed of in accordance with the provisions of 50 CFR Part 219.

6. A new § 649.22 is added to read as follows:

§ 649.22 Exemption and area closure.

(a) *Exemption.* (1) Upon the recommendation of the New England Fishery Management Council, the Regional Director may exempt any person or vessel from the requirements of this part for the conduct of research of education beneficial to the lobster resource or lobster fishery.

(2) The Regional Director may not grant such exemption unless he determines that the purpose, design and administration of the exemption is consistent with the objectives of the American Lobster Fishery Management Plan, the provisions of the Magnuson Act and other applicable law, and that granting the exemption will not—

(i) Have a detrimental effect on the lobster resource and fishery; or

(ii) Create significant enforcement problems.

(3) Each vessel participating in any exempt activity is subject to all provisions of this part except those necessarily relating to the purpose and nature of the exemption. The exemption will be specified in a letter issued by the Regional Director to each vessel participating in the exempted activity. This letter must be carried aboard the vessel seeking the benefit of such exemption.

(b) *Area closure.* (1) Upon the recommendation of the New England Fishery Management Council, the Regional Director may close an area of the FCZ to fishing, through a regulatory amendment, for the conduct of scientific research provided that such closure will not—

(i) Increase gear conflicts; or

(ii) Interfere significantly with common fishing practices.

(2) If the area to be closed is within the jurisdiction of the Mid-Atlantic Fishery Management Council, then that Council must concur with the recommendation of the New England Fishery Management Council before the Regional Director may close the area.

[FR Doc. 86-11903 Filed 5-22-86; 4:51 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 51, No. 102

Wednesday, May 28, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; Grade Standards for Flue-cured Tobacco

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rulemaking.

SUMMARY: The Agricultural Marketing Service proposes to amend the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11-14 and Foreign Type 92, to more accurately describe tobacco as it presently appears at the marketplace. This proposal would: (1) Add definitions to provide adequate descriptions that are significant to the industry; (2) add grades which will more accurately describe whitish-lemon colored and scorched tobacco; and (3) delete certain grades determined to be no longer necessary. These amendments are based on the Department's continuous review and evaluation and in response to recommendations by an Ad Hoc Committee appointed by the Senate Agriculture Committee.

DATE: Comments are due on or before June 12, 1986.

ADDRESS: Send comments to the Director, Tobacco Division, Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA), Room 502 Annex Building, Washington, DC 20250. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250, telephone (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend the regulations governing the Official Standard Grades for Flue-Cured Tobacco, U.S. Types 11-14 and Foreign Type 92, pursuant to the authority contained in the Tobacco

Inspection Act of 1935, as amended (49 Stat. 731; 7 U.S.C. 511 *et seq.*).

The standards for flue-cured tobacco were last revised in 1984. During the past two marketing seasons, a recurring needs has arisen for some changes which would more accurately describe the tobacco. In addition, the Senate appointed Ad Hoc Committee has submitted recommendations that the standards include adequate descriptions that are significant to the industry and distinguish between papery body and regular body in the P (Primings) and X (Lugs), and C (Cutters) stalk positions.

This proposal would add definitions to describe "papery" as a thin-bodied oilless tobacco usually associated with whitish-lemon color and "excessively scorched" as a lot containing over 50 percent of unripe scorched tobacco.

In 1983, the standards were revised to develop grades X4LL and C4LL to describe a whitish-yellow (LL) color produced during wet growing seasons. Since then, more third quality Lugs and fifth quality Cutters in whitish-lemon color has been appearing at the marketplace in significantly increased volume. This proposal would establish grades X3LL and C5LL to properly describe these two qualities of whitish-lemon colored tobacco. In addition, the maturity would be changed to unripe and the leaf structure changed to firm.

Current standards provide that if a lot contains 20 to 100 percent of unripe scorched tobacco it shall be designated by the color symbol "KM" and graded accordingly. This extreme range in the allowable amount of scorched tobacco has been a major contributing factor to confusion within the industry and difficulty in blending these grades in processing plants. These factors also appear to have an unwarranted adverse effect on the prices of tobacco. Grades C4KK, B3KK, B4KK, B5KK and B6KK would be established to distinguish lots containing over 50 percent of unripe scorched tobacco.

Grades C3KM, H3L, H5L and H6L would be deleted. In recent years tobacco characteristic of these grades has appeared in insufficient volume to justify retention of these grades.

Finally, editorial changes would be made in the citation of authority.

These proposed rules have been reviewed under USDA procedures established to implement Executive Order 12291 and Department Regulation

1512-1 and have been determined to be "nonmajor" because they do not meet any of the criteria established for major rules under the Executive Order. Initial review of the regulations contained in 7 CFR Part 29 for need, currentness, clarity, and effectiveness has been completed.

Additionally, in conformance with the provisions of Public Law 96-354, the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business of this proposed rule. A number of firms which are affected by these proposed regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. The Administrator, Agricultural Marketing Service, has determined that these actions will have no significant economic impact upon all entities, small or large, and will not substantially affect the normal movement of the commodity in the marketplace.

Lionel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, has determined that an emergency situation exists which warrants less than a 30-day comment period on this proposal. The shorter comment period is necessary to provide sufficient lead time to train inspection personnel on the revisions in the grade standards and to allow the Commodity Credit Corporation to establish and announce the flue-cured price supports by grade prior to the opening of the 1986 marketing season. Therefore, a 15-day comment period will be provided on this proposal.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file them with the Director, Tobacco Division, Agricultural Marketing Service, Room 502 Annex Building, United States Department of Agriculture, Washington, DC 20250 not later than June 12, 1986.

List of Subjects in 7 CFR Part 29

Tobacco.

PART 25—[AMENDED]

It is proposed that the regulations at 7 CFR Part 29, Subpart C, be amended as follows:

PART 29—[AMENDED]

1. The authority citation for 7 CFR Part 29, Subpart C, "Official Standard Grades for Flue-Cured Tobacco (U.S. Types 11, 12, 13, 14, and Foreign Type (2))" is revised to as follows:

Authority: Sections 29.1001, to 29.1225 are issued under sec. 14, 49 Stat. 734, as amended (7 U.S.C. 511m); sec. 213, 97 Stat. 1149 (7 U.S.C. 511r).

§ 29.1008 [Amended]

2. Section 29.1008 is amended to add to the end thereof the words "KK—excessively scorched".

§§ 29.1016—29.1047 [Redesignated as §§ 27.1017—29.1048]

3. Current §§ 29.1016 through 29.1047 are redesignated as §§ 29.1017 through 29.1048, respectively.

4. A new § 29.1016 is added to read as follows:

§ 29.1016 Excessively scorched.

As applied to flue-cured tobacco, the combination symbol "KK" when used as the third factor of a grademark denotes that a lot contains over 50 percent of unripe scorched tobacco.

§§ 29.1048—29.1083 [Redesignated as §§ 29.1050—29.1085]

5. Current §§ 29.1048 through 29.1083 are redesignated as §§ 29.1050 through 29.1085, respectively.

6. A new § 29.1048 is added to read as follows:

§ 29.1048 Papery.

A term used to describe thin-bodied, oilless tobacco usually associated with whitish-lemon color.

§ 29.1122 [Amended]

7. Section 29.1122 is amended to add to the end thereof the sentence "Any lot of unripe tobacco in the C, or B groups which is under 20 percent greenish or green but which contains 50 percent or more of scorched tobacco shall be classified as excessively scorched and designated by the combination symbol "KK."

§ 29.1162 [Amended]

8. Section 29.1162 is amended to add 4 new grades following the grade "B6KM—Poor Quality Variegated Mixed Leaf" to read as follows:

B3KK Good Quality Excessively Scorched Leaf

Unripe, close leaf structure, heavy, heavy, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 80 percent; injury tolerance, 15 percent.

B4KK Fair Quality Excessively Scorched Leaf

Unripe, close leaf structure, heavy, normal width, Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

B5KK Low Quality Excessively Scorched Leaf

Unripe, tight leaf structure, heavy, narrow, Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

B6KK Poor Quality Excessively Scorched Leaf

Unripe, tight leaf structure, heavy, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

§ 29.1163 [Amended]

9. Section 29.1163 is amended to remove the 4 grades "H3L—Good Quality Lemon Smoking Leaf", "H4L—Fair Quality Lemon Smoking Leaf", "H5L—Low Quality Lemon Smoking Leaf", and "H6L—Poor Quality Lemon Smoking Leaf".

§ 29.1164 [Amended]

10. Section 29.1164 is amended in the paragraph under the heading "C4LL—Fair Quality Whitish-Lemon Cutters" to remove the words "Ripe, open leaf structure, thin" and add in the place thereof the words "Unripe, firm leaf structure, thin (papery)".

11. Section 29.1164 is further amended to add a new grade following the grade "C4LL—Fair Quality Whitish-Lemon Cutters" to read as follows:

C5LL Low Quality Whitish-Lemon Cutters

Unripe, firm leaf structure, thin (papery), lean in oil, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste.

12. Section 29.1164 is further amended to remove the grade "C3KM—Good Quality Variegated Mixed Cutters".

13. Section 29.1164 is further amended to add a new grade following the grade "C4KM—Fair Quality Variegated Mixed Cutters" to read as follows:

C4KK Fair Quality Excessively Scorched Cutters

Unripe, close leaf structure, medium body, normal width, 16 inches (40.6 cm) or over in length. Uniformity, 70 percent; injury tolerance 20 percent, of which not over 5 percent may be waste.

§ 29.1165 [Amended]

14. Section 29.1165 is amended to add a new grade following the grade "X5L—Low Quality Lemon Lugs" to read as follows:

X3LL Good Quality Whitish-Lemon Lugs

Unripe, firm leaf structure, thin (papery), lean in oil. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 20 percent may be waste.

15. Section 29.1165 is further amended in the paragraph under the heading "X4LL—Fair Quality Whitish-Lemon

Lugs" to remove the words, "Ripe, open leaf structure, thin" and add in the place thereof the words "Unripe, firm leaf structure, thin (papery)".

§ 29.1181 [Amended]

16. Section 29.1181 is amended as follows:

(a) Change the heading "14 Grades of Smoking Leaf" to read as follows: "10 Grades of Smoking Leaf" and removing the first column of entry reading "H3L, H4L, H5L and H6L".

(b) Change the heading "8 Grades of Variegated Mixed" to read as follows: "7 Grades of Variegated Mixed" and removing the entry "C3KM" from the second column.

(c) Change the heading "2 Grades of Whitish-Lemon" to read as follows: "4 Grades of Whitish-Lemon" and add the new grades "X3LL" above grade "X4LL" and "C5LL" below grade "C4LL".

(d) Following the table "6 Grades of Variegated Red or Scorched" add a new table for the category of excessively scorched grades to read as follows:

5 Grades of Excessively Scorched

B3KK	
B4KK	C4KK
B5KK	
B6KK	

§ 29.1225 [Amended]

17. Section 29.1225 is amended under the heading "Combination Symbols", by changing the symbol "FR" to read "FP", and adding the words "KK"—Excessively scorched" at the end thereof.

Dated: May 22, 1986.

James C. Handley,

Administrator.

[FR Doc. 86-11857 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation**7 CFR Part 1476****Special Indemnity Programs; Special Disaster Payments for the 1983-1985 Crops of Rice, Upland Cotton, Feed Grains, and Wheat**

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule, extension of comment period.

SUMMARY: A proposed rule was published in the Federal Register on Tuesday, May 20, 1986, at 51 FR 18552. The comment period for the proposed rule originally was limited to ten days because an Order of the District Court

for the Southern District of Iowa required that a final rule be made effective on or before June 2, 1986. The ten-day period included only five working days. On the Government's motion, the Court has extended the deadline for filing of a final rule to June 9, 1986. Accordingly, the comment period is hereby extended to June 2, 1986, in order to give the public more time to comment on the proposed rule.

DATES: Comments on the proposed rule must be received on or before June 2, 1986, in order to be assured of consideration.

ADDRESSES: Send comments on this proposed rule to Director, Emergency Operations and Livestock Programs Division, ASCS, Department of Agriculture P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this rule will be available for further inspection in Room 4095 South Building, USDA, between the hours of 8:15 AM and 4:45 PM, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jerry W. Newcomb, Director, Emergency Operations and Livestock Programs Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013. Telephone (202) 447-5621.

Signed at Washington, DC on May 23, 1986.
Milton J. Hertz,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 86-12075 Filed 5-23-86; 4:59 pm]

BILLING CODE 3410-05-M

Rural Electrification Administration

7 CFR Part 1772

REA Bulletin 345-28, REA Specification for Seven Wire Galvanized Steel Strand, PE-37

AGENCY: Rural Electrification Administration, Department of Agriculture.

ACTION: Proposed Rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by incorporating by reference revised REA Bulletin 345-28, REA Specification for Seven Wire Galvanized Steel Strand, by adopting, with a minor modification by REA, ASTM A475-78, an industry standard for seven wire galvanized steel strand. Concurrently, REA proposes to withdraw REA's PE-37, a proprietary

REA standard addressing the same product.

The American Society for Testing and Materials (ASTM) is a scientific and technical organization formed for the development of standards on characteristics and performance of materials, products, systems and services. ASTM is the world's largest single source of voluntary consensus standards. An ASTM standard represents a common viewpoint of those parties concerned with its provisions, namely, producers, users, and general interest groups. It is intended to aid industry, government agencies, and the general public.

This proposed action will have very little impact on the manufacturers of strand. It would not affect the current designs or manufacturing techniques of strand. Such action would also be the most effective method of assuring current state of the art technology for strand to benefit REA telephone borrowers.

DATE: Public comments must be received by REA no later than July 28, 1986.

ADDRESS: Submit written comments to M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8663. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by incorporating by reference revised REA Bulletin 345-28 (previous issue dated January 22, 1963), REA Specification for Seven Wire Galvanized Steel Strand.

REA will request approval for Incorporation by Reference from the Director of the Federal Register. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not (1) have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local

government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 432 et seq. (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment. This regulation contains no information or record keeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 et seq.). This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of the document are available upon request from the address indicated above. Interested persons are invited to submit comments on this action. Written comments must be sent to the address stated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Copies of ASTM A475-78 will be available for a nominal fee from the American Society for Testing and Materials, 1916 Race street, Philadelphia, PA 19103.

Background

REA has issued a series of publications entitled "bulletins" which serve to implement the policy, procedures and requirements for administering its loan and loan guarantee programs and the security instruments which provide for and secure REA financing. In the bulletin series REA issues standards and specifications for the construction of telephone facilities financed with REA loan funds. REA is proposing to revise Bulletin 345-28, the REA Specification for Seven Wire Galvanized Steel Strand by adopting, with major modification by

REA, the American Society for Testing and Materials standard for seven wire galvanized steel strand, ASTM A475-78, to replace REA's Specification PE-37 for the same product. The PE-37 designation is an arbitrary set of letters and numbers assigned by REA to identify telephone materials and equipment specifications. PE-37 would be withdrawn with this action.

It is REA policy to use the standards, rules and regulations of such engineering and standard groups as ASTM, the American National Standards Institute (ANSI), and the various national engineering societies, and such references as the National Electrical Safety Code (NESC), and the National Electrical Code (NEC), to the greatest extent practical as determined by REA. REA is also guided by OMB Circular No. A-119, Federal Participation in the Development and Use of Voluntary Standards in its activities. When there are no national standards, or where REA determines that existing national standards are not satisfactory for REA purposes, REA prepares the standards for materials and equipment as necessary.

REA has determined that the ASTM Standard for galvanized steel strand, with a minor modification, is satisfactory for REA purposes. The modification is an additional marking requirement that all coils and reels of strand having Class B and Class C coatings shall be marked with a stripe of deep colored paint about 3 inches wide and 6 inches long as indicated below:

Class of coating	Color of paint
B.....	Green.
C.....	Orange.

This marking shall be applied to the exposed convolutions of strand in the eye of coils and located near the midpoint on the outside layer of strand on reels.

The proposed action would have very little impact on the manufacturers of strand since it would require no changes in the current designs or manufacturing techniques of strand. The REA telephone borrowers will benefit from assurance of current state of the art technology for strand.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications, Telephone.

PART 1772—[AMENDED]

In view of the above, REA is proposing to amend 7 CFR Part 1772 by

incorporating by reference revised REA Bulletin 345-28.

1. The authority cited for Part 1772 is revised to read as follows:

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

2. The table in § 1772.97 would be amended by adding the entry 345-28 to read as follows:

§ 1772.97 Incorporation by Reference of Telephone Standards and Specifications.

345-28...REA Specification for Seven Wire Galvanized Steel Strand.

Dated: May 21, 1986.

Harold V. Hunter,
Administrator.

[FR Doc. 86-11925 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-15-M

7 CFR Part 1772

REA Bulletin 345-47, REA Specification for Seven Wire Aluminum-Clad Steel Strand, PE-49

AGENCY: Rural Electrification Administration, Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by incorporating by reference revised REA Bulletin 345-47, REA Specification for Seven Wire Aluminum-Clad Wire Strand, by adopting, with a minor modification by REA, ASTM B415-69, an industry standard for seven wire aluminum-clad steel strand. Concurrently, REA proposes to withdraw REA's PE-49, a proprietary REA standard addressing the same product.

The American Society for Testing and Materials (ASTM) is a scientific and technical organization formed for the development of standards on characteristics and performance of materials, products, systems and services. ASTM is the world's largest single source of voluntary consensus standards. An ASTM standard represents a common viewpoint of those parties concerned with its provisions, namely, producers, users, and general interest groups. It is intended to aid industry, government agencies, and the general public.

This proposed action will have very little impact on the manufacturers of strand. It would not affect the current designs or manufacturing techniques of strand. Such action would also be the

most effective method of assuring current state of the art technology for strand to benefit REA telephone borrowers.

DATE: Public comments must be received by REA no later than July 28, 1986.

ADDRESS: Submit written comments to M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Room 2835, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382-8663. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend 7 CFR 1772.97, Incorporation by Reference of Telephone standards and Specifications, by incorporating by reference revised REA Bulletin 345-47 (previous issue dated April 1, 1966), REA Specification for Seven Wire Aluminum-Clad Steel Strand. REA will request approval for Incorporation by Reference from the Director of the Federal Register. This proposed action has been reviewed in accordance with Executive Order 12291, Federal Regulation. The action will not (1) have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 432 et seq., (1976)), and therefore, does not require an environmental impact statement or an environmental assessment. This regulation contains no information or record keeping requirement which

requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*). This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of the document are available upon request from the address indicated above. Interested persons are invited to submit comments on this action. Written comments must be sent to the address stated above. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above address.

Copies of ASTM B415-69 will be available for a normal fee from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

Background

REA has issued a series of publications entitled "bulletins" which serve to implement the policy, procedures and requirements for administering its loan and loan guarantee programs and the security instruments which provide and secure REA financing. In the bulletin series REA issues standards and specifications for the construction of telephone facilities financed with REA loan funds. REA is proposing to revise Bulletin 345-47, the REA Specification for Seven Wire Aluminum-Clad Steel Strand by adopting, with minor modification by REA, the American Society for Testing and Materials standard for seven wire aluminum-clad steel strand, ASTM B415-69, to replace REA's Specification PE-49 for the same product. The PE-49 designation is an arbitrary set of letters and numbers assigned by REA to identify telephone materials and equipment specifications. PE-49 would be withdrawn with this action.

It is REA policy to use the standards, rules and regulations of such engineering and standard groups as ASTM, the American National Standards Institute (ANSI), and the various national engineering societies, and such references as the National Electrical Safety Codes (NESC), and the National Electrical Code (NEC), to the greatest extent practical as determined

by REA. REA is also guided by OMB Circular No. A-119, Federal Participation in the Development and Use of Voluntary Standards in its activities. When there are no national standards, or where REA determines that existing national standards are not satisfactory for REA purposes, REA prepares the standards for materials and equipment as necessary.

REA has determined that the ASTM Standard for aluminum-clad steel strand, with a minor modification, is satisfactory for REA purposes. The modification is an additional marking requirement that all coils and reels of strand manufactured under this standard be marked with a stripe of deep red colored paint about 3 inches wide and 8 inches long. This marking would be applied to the exposed convolutions of strand in the eye of coils and located near the midpoint on the outside layer of strand on reels.

This proposed action would have very little impact on the manufacturers of strand since it would require no changes in the current designs or manufacturing techniques of strand. The REA telephone borrowers will benefit from assurance of current state of the art technology for strand.

List of Subjects in 7 CFR Part 1772

Loan programs—communications, Telecommunications, Telephone.

PART 1772—[AMENDED]

In view of the above, REA is proposing to amend 7 CFR Part 1772 by incorporating by reference revised REA Bulletin 345-47.

1. The authority cited for Part 1772 is revised to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 7 U.S.C. 1921 *et seq.*

2. The table in § 1772.97 would be amended by adding the entry 345-47 to read as follows:

§ 1772.97 Incorporation by Reference of Telephone Standards and Specifications.

* * * * *

345-47...REA Specification for Seven Wire Aluminum-Clad Steel Strand.

* * * * *

Dated: May 21, 1986.

Harold V. Hunter,

Administrator.

[FR Doc. 86-11926 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-15-M

Farmers Home Administration

7 CFR Part 1944

Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule: correction.

SUMMARY: The Farmers Home Administration (FmHA's) corrects a proposed rule published April 22, 1986 (51 FR 15010). In the revision to FmHA's regulation regarding section 502 rural housing loans (Subpart A of Part 1944), the word "associate" should read "associated" in the introductory text of § 1944.10(a)(2), the word "excession" should read "excess of" in § 1944.10(a)(2)(ii), and the word "will" which was inadvertently omitted from the revision should be inserted between the phrases "and each" and "be considered" in the revision of § 1944.10(c). Additionally, the wording between "the Bureau of the Census" and "and the following" is deleted and replaced by "any special population census conducted by the Bureau of the Census" in the revision of § 1944.10(d). The intent of this action is to correct errors and to restore the language that had been originally selected for this proposed rule.

FOR FURTHER INFORMATION CONTACT: Frank Colon, Chief, Home Ownership Branch, Room 5342, Telephone (202) 382-1482 or Nancy Monesson, Room 5334, Telephone (202) 382-1474, at the following address: Single Family Housing Processing Division, Farmers Home Administration, USDA, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION: The following correction are made in FR Doc. 86-8987 appearing on pages 15010 to 15012 in the issue of April 22, 1986.

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations.

2. The introductory text of paragraph (a)(2), paragraph (a)(2)(ii), paragraph (c) and the introductory text of paragraph

(d) of § 1944.10 are correctly revised to read as follows:

§ 1944.10 Rural area designation.

(a) * * *

(2) Any town, village, city, or place, including the immediately adjacent densely settled area, which is not part of or associated with an urban area and which:

(ii) Has a population in excess of 10,000 but not in excess of 20,000, and

(c) Two or more towns, villages, cities, and places may have contiguous boundaries, and each will be considered separately if they are not otherwise associated with each other, and their densely populated areas are not contiguous, as determined after consideration of paragraphs (a) and (b) of this section.

(d) Population count in any area will be taken from the decennial U.S. Census of Population, national population updates published by the Bureau of the Census, any special population census conducted by the Bureau of the Census, and the following:

Dated: May 9, 1986.

Vance L. Clark,
Administrator, Farmers Home
Administration.

[FR Doc. 86-11851 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF ENERGY

10 CFR Part 810

Unclassified Activities in Foreign Atomic Energy Programs

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) proposes to revise its regulations 10 CFR Part 810 concerning unclassified assistance in foreign atomic energy activities. The primary aims of the proposed revision are to clarify, simplify, and reduce uncertainties about which activities are generally authorized and which require specific authorization. The present regulations would be substantially altered in language and structure but much of the substantive content is retained. In regard to general authorization, the proposed regulations first describe activities generally authorized for all countries and then activities generally authorized except for certain designated countries. The present list of countries to which certain general authorizations do not apply would be reduced by

eliminating a number of non-nuclear-weapon states which have become parties to the Treaty on the Non-Proliferation of Nuclear Weapon (NPT) since the last revision of February 4, 1983 and certain general authorizations would be withdrawn for a number of countries which have been added to the list for foreign policy reasons. Another proposed change expands the general authorization for helping to prevent or correct a radiological emergency, which currently is limited to a radiological emergency in an operating nuclear power plant. Another proposed change narrows the general authorization for participating in international meetings which would proscribe participation that assists in production reactors or the four sensitive areas of enrichment, reprocessing, plutonium fuel fabrication, and heavy water production. Other significant new features include a proposed definition for "Public information," proposed reporting requirements on specifically authorized activities, and notice that DOE may make public a decision granting an authorization unless the applicant shows that disclosure will cause substantial harm to its competitive position. DOE is soliciting public comments on the proposed revision within 45 days. Following consideration of submitted views, DOE intends to publish a revised Part 810 Final Rule as promptly as possible.

DATES: Comments are requested and must be received no later than July 14, 1986.

Comments on information collections must be submitted on or before June 9, 1986.

ADDRESSES: Written comments (six copies when possible) should be sent to: Mr. A. Bryan Siebert, Director, Office of International Security Affairs, DP-33, U.S. Department of Energy, Washington, DC 20585; telephone (202) 252-2100.

Comments concerning information collections should be submitted to the person listed below: Mr. Vartkes Broussalian, Department of Energy Desk Officer, Office of Management and Budget (OIRA), Room 3001, NEOB, Washington, DC 20530, Telephone: (202) 395-7313.

FOR FURTHER INFORMATION CONTACT:

Mr. John M. Rooney, Chief, Operations Branch, Office of International Security Affairs, DP-332.1, U.S. Department of Energy, Telephone (202) 252-2129

Mr. Robert Newton, Acting Assistant General Counsel, Office of the General Counsel, GC-31, U.S. Department of Energy, Telephone (202) 252-6975

For information collections in the proposed rule, contact: Mr. Howard H. Raiken, Director, Management Systems Analysis Division (MA-213), U.S. Department of Energy, Washington, DC 20585, Telephone: (202) 252-9383.

SUPPLEMENTARY INFORMATION:

1. Background

10 CFR Part 810 implements section 57b(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2077), as amended by section 305 of the Nuclear Non-Proliferation Act of 1978 (NNPA) (42 U.S.C. 2156) and section 306 of the NNPA (42 U.S.C. 2157). These sections require that U.S. persons who engage directly or indirectly in production of special nuclear material outside the United States be authorized to do so by the Secretary of Energy. The Secretary has issued general authorizations for certain activities, but other activities require specific authorization. All requests to the Secretary for specific authorization to engage directly or indirectly in the production of special nuclear material outside the United States are handled in accordance with the procedures required by Section 302 of the NNPA and agreed to by the Departments of Energy, State, Commerce and Defense, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission. These implementing procedures were published in the *Federal Register* May 16, 1984, under the title "Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978" (49 FR 20780).

2. Regulatory Changes

The major proposed changes to Part 810 are summarized below:

A. Proposed § 810.2 Scope. Examples of persons, locations, and activities to which the regulation apply are explained in greater detail.

B. Proposed § 810.3 Definitions. DOE proposes to delete the definitions for "Commission," "Department," "Nuclear material," "Retransfer," and "Secretary." Proposed definitions are added for "General authorization," "Public information," "Production reactor," "Special nuclear material," and "Specific authorization." Minor and nonsubstantive changes in wording are proposed in the definitions of "Act," "Classified information," "Nuclear reactor," "Person," "Sensitive nuclear technology," and "Source material."

C. Proposed § 810.5 Interpretations. DOE proposes to recodify the current procedure which allows members of the public to request an opinion from the Department by transferring the

procedure from § 810.11 (Additional information) to this proposed section.

D. The present regulations combine both generally authorized and specifically authorized activities in one section. The revision separates them into two different sections: Proposed § 810.7 concerns "Generally authorized activities" and proposed § 810.8 treats "Activities requiring specific authorization."

In proposed § 810.7, the general authorization to assist in nuclear power plant emergencies is expanded to cover any current or imminent radiological emergency posing a significant danger to public health or safety, provided the Department of Energy is notified in advance. The general authorization for participating in exchange programs approved by the Department of State is conditioned to require consultation with the Department of Energy. The general authorization for participation in international meetings is narrowed to participation in a manner that does not provide assistance in production reactors, enrichment, reprocessing, fabrication of nuclear fuel containing plutonium, or production of heavy water. The list of countries for which certain general authorizations do not apply (contained in the new § 810.8) is reduced by eliminating a number of nonnuclear-weapon states now party to the NPT. Participation approved by a U.S. Government agency in IAEA programs, and activities by IAEA employees whose employment was approved by the U.S. Government are explicitly stated to be generally authorized.

E. Proposed § 810.3 Activities requiring specific authorization. This section requires specific authorization for engaging directly or indirectly in the production of special nuclear material for the listed countries. For unlisted countries, specific authorization is required only for certain kinds of activities.

F. Proposed § 810.9 Restrictions on general and specific authorizations. A provision is added barring assistance when a person knows or has reason to know that the activity is intended to assist in a nuclear explosives program.

G. Proposed § 810.10 Grant of specific authorization. This section provides notice that a decision granting specific authorization may be publicly disclosed unless the recipient shows that disclosure will cause substantial harm to its competitive position.

H. Proposed § 810.12 Information required in an application for specific authorization. The applicant is now required to designate any "proprietary information" in an application.

I. Proposed § 810.13 Reports. Reporting requirements are added for some activities and eliminated for others. Reports will be required on all specifically authorized activities. Instead of listing generally authorized activities which require reports and those which do not, the revision lists only those which do.

3. Statutory Requirements

Pursuant to section 57b. of the Atomic Energy Act as amended by the NNPA, with the concurrence of the Department of State and after consultations with the Departments of Commerce and Defense, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, the Secretary of Energy has determined that to authorize this proposed revision of 10 CFR Part 810 will not be inimical to the interest of the United States.

4. Savings Clause

Except for actions taken by DOE pursuant to proposed § 810.11, this proposed revision shall not affect specific authorizations granted under the present regulations or generally authorized activities under the present regulations for which the contracts, purchase orders, or licensing arrangements are already in effect on the date of publication of this proposed rule. However, persons engaging in activities generally authorized under the present regulations but requiring specific authorization when the proposed revision takes effect are required to notify DOE.

5. Rulemaking Requirements

Section 501(a)(1) of the DOE Organization Act (Pub. L. 95-91) provides that the provisions of subchapter II of chapter 5 of title 5, United States Code (Administrative Procedure Act, "APA") shall apply in accordance with their terms to any rule or regulation issued pursuant to authority vested by law in, or transferred or delegated to, the Secretary of Energy. Section 553(a)(1) of the APA provides an exemption to the normal notice and comment procedures or rules involving a foreign affairs function of the United States.

Because Part 810 deals with nuclear-related exports and activities that assist in the production of special nuclear material abroad, this revision involves the foreign affairs functions of the United States. Therefore, the exemption of section 553(a)(1) applies and notice and comment are not required. Nevertheless, DOE is providing interested persons 45 days in which to submit comments on this proposed rule.

Because notice and comment is not required for this rule, this rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* as provided in section 601(2). This rule is also not subject to the requirements of Executive Order 12291 [46 FR 13193, February 19, 1981], because it relates to a foreign affairs function of the United States. See section 1(a)(2).

6. Paperwork Reduction Act

DOE plans to request the Office of Management and Budget (OMB) to review and approve the information collections in this proposed rule. Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), DOE will consider comments on information collections in this proposed rule that affect the public.

7. Public Comment Procedures

The period for submission of comments will close on July 14, 1986. All interested persons who desire to submit written comments or suggestions for consideration should submit them to the address indicated in the "ADDRESSEES" section of the preamble. Six copies should be submitted.

Any information or data submitted considered to be confidential must be so identified in writing. DOE reserves the right to determine the confidential status of such information or data and to treat it according to the determination.

All comments received, except those determined to be confidential, will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

List of Subjects in 10 CFR Part 810

Foreign relations, Nuclear energy, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, Part 810 of Title 10 of the Code of Federal Regulations is proposed to be revised as set forth below.

Issued at Washington, DC May 16, 1986.

D. Ofte,

Acting Assistant Secretary for Defense Programs.

It is proposed to revise 10 CFR Part 810 to read as follows:

PART 810—ASSISTANCE TO FOREIGN ATOMIC ENERGY ACTIVITIES

Sec.

- 810.1 Purpose.
- 810.2 Scope.
- 810.3 Definitions.
- 810.4 Communications.
- 810.5 Interpretations.
- 810.6 Authorization requirement.
- 810.7 Generally authorized activities.
- 810.8 Activities requiring specific authorization.
- 810.9 Restrictions on general and specific authorization.
- 810.10 Grant of specific authorization.
- 810.11 Revocation, suspension or modification of authorization.
- 810.12 Information required in an application for specific authorization.
- 810.13 Reports.
- 810.14 Additional information.
- 810.15 Violations.
- 810.16 Effective date.

Authority: Sections 57, 127, 128, 129, 161, and 223, Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978, Pub. L. 95-242, 68 Stat. 932, 948, 950, 958, 92 Stat. 126, 136, 137, 138 (42 U.S.C. 2077, 2156, 2157, 2158, 2201, 2273); Sec. 104, of the Energy Reorganization Act of 1974, Pub. L. 93-438; Sec. 301, Department of Energy Organization Act, Pub. L. 95-91 (41 U.S.C. 7101).

§ 810.1 Purpose.

These regulations implement section 57b of the Atomic Energy Act. Their purpose is to:

- (a) Indicate activities which have been generally authorized by the Secretary of Energy and thus require no further authorization;
- (b) Indicate activities which require specific authorization by the Secretary and explain how to request authorization; and
- (c) Explain reporting requirements for various activities.

§ 810.2 Scope.

10 CFR Part 810 applies to all persons subject to the jurisdiction of the United States who engage in activities that may reasonably be expected to assist directly or indirectly in the production of special nuclear material outside the United States; its scope includes assistance provided either in the United States or abroad under the direction, supervision, responsibility or control of such persons (licensees, contractors or subsidiaries, for example). The scope of Part 810 includes, but is not limited to, assistance for nuclear reactors and other nuclear fuel cycle facilities for the following: Fluoride or nitrate conversion; isotope separation (enrichment); the chemical, physical or metallurgical processing, fabricating, or alloying of special nuclear material; production of heavy water, zirconium

(hafnium-free or low-hafnium), nuclear-grade graphite, or reactor-grade beryllium; production of reactor-grade uranium dioxide from yellowcake; and certain uranium milling activities.

§ 801.3 Definitions.

As used in this part:

"Agreement for cooperation" means an agreement with another nation or group nations concluded under Section 123 of the Atomic Energy Act.

"Atomic Energy Act" means the Atomic Energy Act of 1954, as amended.

"Classified information" means National Security Information classified under Executive Order 12356 or any superseding order, or Restricted Data classified under the Atomic Energy Act.

"General authorization" means an authorization granted by the Secretary of Energy under section 57b(2) of the Atomic Energy Act to provide certain assistance to foreign atomic energy activities and which is effective without a specific request to the Secretary or the issuance of an authorization to a particular person.

"IAEA" means the International Atomic Energy Agency.

"NNPA" means the Nuclear Non-Proliferation Act of 1978.

"NPT" means the Treaty on the Non-Proliferation of Nuclear Weapons.

"Nuclear reactor" means an apparatus, other than nuclear explosive device, designed or used to sustain nuclear fission in self-supporting chain reaction.

"Person means: (1) Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency other than the Department of Energy, state or political entity within a state; and (2) any authorized representative of the foregoing.

"Production reactor" means a nuclear reactor specially designed or used to produce special nuclear material through the irradiation of source material or special nuclear material.

"Public information" means information available to any U.S. person in such places as public libraries, public reading rooms, public document rooms, public archives, or public data banks, or information generally available in university courses, before it is transmitted to a foreign recipient. It is information which is available without regard to its intrinsic value at a cost no greater than its approximate publication and dissemination cost. It includes information contained in an application filed with the U.S. Patent Office and eligible for foreign filing under 35 U.S.C. 184 or which has been made available under 5 U.S.C. 552, the Freedom of

Information Act, or which has been made available internationally without restriction on its further dissemination. Public information does not include any embellishment, enhancement, explanation or interpretation of such information, or information subject to sections 147 and 148 of the Atomic Energy Act.

"Restricted Data" means all data concerning: (1) Design, manufacture or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to section 142 of the Atomic Energy Act.

"Sensitive nuclear technology" means any information (including information incorporated in a production or utilization facility or important component part thereof) which is not public information and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility, or a facility for the production of heavy water, but shall not include Restricted Data controlled pursuant to Chapter 12 of the Atomic Energy Act. The information may take a tangible form such as a model, prototype, blueprint, or operation manual or an intangible form such as technical services.

"Source Material" means: (1) Uranium or thorium, other than special nuclear material or (2) ores which contain by weight 0.05 percent or more of uranium or thorium, or any combination of these.

"Special nuclear material" means: (1) Plutonium, (2) uranium-233, or (3) uranium enriched above 0.711 percent by weight in the isotope uranium-235.

"Specific authorization" means an authorization granted by the Secretary of Energy under section 57b(2) of the Atomic Energy Act to a person to provide specified assistance to a foreign atomic energy activity in response to an application filed under 10 CFR Part 810.

"United States", when used in a geographical sense, includes all territories and possessions of the United States.

§ 810.4 Communications.

All communications concerning these regulations should be addressed to:

U.S. Department of Energy, Washington, DC 20585

Attention: Director, Division of Politico-Military Security Affairs, DP-232, Office of International Security Affairs, Telephone: (202) 252-2112

Communications also may be delivered to the Department's headquarters at 1000 Independence Avenue, SW., Washington, DC. All clearly marked proprietary information will be given the maximum protection allowed by law.

§ 810.5 Interpretations.

A person may request the advice of the Division of Politico-Military Security Affairs on whether a proposed activity is generally authorized under § 810.7 or requires specific authorization under § 810.8 and 810.9; however, unless authorized by the Secretary of Energy in writing, no interpretation of these regulations other than a written interpretation by the General Counsel is binding upon the Department.

§ 810.6 Authorization requirement.

Section 57b of the Atomic Energy Act provides that:

It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except: (1) As specifically authorized under an agreement for cooperation made pursuant to section 123, including a specific authorization in a subsequent arrangement under section 131 of this Act, or (2) upon authorization by the Secretary of Energy after a determination that such activity will not be inimical to the interest of the United States: *Provided*, That any such determination by the Secretary of Energy shall be made only with the concurrence of the Department of State and after consultation with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense.

§ 810.7 Generally authorized activities.

In accordance with section 57(b)(2) of the Atomic Energy Act, the Secretary of Energy has determined that the following activities are generally authorized, provided no sensitive nuclear technology is transferred:

(a) Furnishing public information is defined in Section 810.3;

(b) Furnishing information or assistance to prevent or correct a current or imminent radiological emergency posing a significant danger to public health and safety, provided the Department of Energy is notified in advance;

(c) Implementing the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States;

(d) Participation in exchange programs approved by the Department of State in consultation with the Department of Energy;

(e) Participation approved by a U.S. Government agency in IAEA programs and activities by IAEA employees

whose employment was approved by the U.S. Government;

(f) Participation in international meetings sponsored by educational, scientific, technical or other institutions in a manner that does not provide assistance in the activities described in Section 810.8(b)(1) through (4); or

(g) Furnishing assistance that: (1) Does not involve any of the countries listed in section 810.8(a) and (2) does not involve production reactors, enrichment, reprocessing, fabrication of nuclear fuel containing plutonium, or production of heavy water, as described in section 810.8(b)(1) through (4).

§ 810.8 Activities requiring specific authorization.

Unless generally authorized by § 810.7, a person requires specific authorization by the Secretary of Energy before:

(a) Engaging directly or indirectly in the production of special nuclear material in any of the countries listed below:

Afghanistan	Laos
Albania	Latvia
Algeria	Libya
Andorra	Lithuania
Angola	Mauritania
Argentina	Monaco
Bahrain	Mongolian People's
Brazil	Democratic Republic
Bulgaria	Mozambique
Burma	Nicaragua
Chile	Niger
China	Oman
China, People's Republic	Pakistan
of	Poland
Comoros	Qatar
Cuba	Romania
Czechoslovakia	St. Christopher and
Djibouti	Nevis
Estonia	Saudi Arabia
German Democratic	South Africa
Republic (and East	Soviet Union
Berlin)	Syria
Guyana	Tanzania
Hungary	United Arab Emirates
India	Vanuatu
Iran	Vietnam
Iraq	Yemen Arab Republic
Israel	Yemen, People's
Kampuchea	Democratic Republic
Korea, People's	of
Democratic Republic	Zambia
of	Zimbabwe
Kuwait	

Countries may be removed from or added to this list by amendments published in the Federal Register;

(b) Engaging in or providing assistance in any of the following activities with respect to any foreign country.

(1) Designing production reactors or facilities for the separation of isotopes of source or special nuclear material, chemical processing of irradiated special nuclear material, the fabrication of nuclear fuel containing plutonium, or the production of heavy water;

(2) Constructing, fabricating, operating, or maintaining such reactors or facilities;

(3) Designing, constructing, fabricating, operating, or maintaining equipment or components especially designed, modified, or adapted for use in such reactors or facilities;

(4) Training in design, construction, fabrication, operation or maintenance of such reactors or facilities, equipment, or components; or

(5) Participating in an international meeting in a manner that assists in any of the activities listed in paragraphs (b)(1) through (b)(4) of this section.

§ 810.9 Restriction on general and specific authorization.

A general or specific authorization granted by the Secretary of Energy under these regulations:

(a) Is limited to activities involving only unclassified information and does not permit furnishing Restricted Data or other classified information;

(b) Does not relieve a person from complying with relevant laws or the regulations of other Government agencies applicable to exports;

(c) Does not authorize a person to engage in any activity when the person knows or has reason to know that the activity is intended to provide assistance in designing, developing, fabricating or testing a nuclear explosive device.

§ 810.10 Grant of specific authorization.

(a) Any person proposing to provide assistance for which Section 810.8 indicates specific authorization is required may apply for the authorization to the U.S. Department of Energy, Washington, DC 20585, Attention: Director, Division of Politico-Military Security Affairs, DP-332, Office of International Security Affairs.

(b) The Secretary of Energy will approve an application for specific authorization if he determines, with the concurrence of the Department of State and after consultation with the Arms Control and Disarmament Agency, the Nuclear Regulatory Commission, the Department of Commerce, and the Department of Defense, that the activity will not be inimical to the interest of the United States. In making this determination, the Secretary will take into account:

(1) Whether the United States has an agreement for nuclear cooperation with the nation or group of nations involved;

(2) Whether the country involved is a party to the NPT, or a country for which the Treaty for the Prohibition of Nuclear

Weapons in Latin America (Treaty of Tlatelolco) is in force;

(3) Whether the country involved has entered into an agreement with the IAEA for the application of safeguards on all its peaceful nuclear activities;

(4) Whether the country involved, if it has not entered into such an agreement, has agreed to accept IAEA safeguards when applicable to the proposed activity;

(5) Other nonproliferation controls or conditions applicable to the proposed activity;

(6) The relative significance of the proposed activity;

(7) The availability of comparable assistance from other sources;

(8) Any other factors that may bear upon the political, economic, or security interests of the United States, including U.S. obligations under international agreements or treaties.

(c) If the proposed assistance involves the export of "Sensitive nuclear technology" as defined in Section 810.3, the requirements of section 127 and 128 of the Atomic Energy Act and of any applicable U.S. international commitments must also be met.

(d) Thirty days after the Secretary's grant of a specific authorization, a copy of the Secretary's determination may be provided to any person requesting it from the Department, unless the applicant submits information showing that public disclosure will cause substantial harm to its competitive position. This provision does not affect any other authority provided by law for the Department not to disclose information.

§ 810.11 Revocation, suspension, and modification of authorization.

The Secretary may revoke, suspend, or modify a general or specific authorization:

(a) For any material false statement in an application for specific authorization or in any additional information submitted in its support;

(b) For failing to provide a report or for any material false statement in a report submitted pursuant to § 810.13;

(c) If any authorized assistance is subsequently determined to be inimical to the interest of the United States or otherwise no longer meets the legal criteria for approval; or

(d) Pursuant to section 129 of the Atomic Energy Act.

§ 810.12 Information required in an application for specific authorization.

Each application shall contain:

(a) The name, address, and citizenship of the applicant, and complete disclosure of all real parties in interest;

if the applicant is a corporation or other legal entity, where it is incorporated or organized, the location of its principal office, and the degree of any control or ownership by any foreign person or entity;

(b) A complete description of the proposed activity, including its approximate monetary value, the name and location of any facility or project involved, the name and address of the person or legal entity for which the activity is to be performed, and a detailed description of any specific project to which the activity relates;

(c) Any information the applicant may wish to provide concerning the factors listed in § 810.10 (b); and

(d) Designation of any information considered proprietary whose public disclosure would cause substantial harm to the competitive position of the applicant.

§ 810.13 Reports.

(a) Any person who has received a specific authorization shall within 30 days after beginning the authorized activity provide to the Department of Energy a report containing the following information:

(1) The name, address, and citizenship of the person submitting the report;

(2) The name, address, and citizenship of the person or entity for which the activity is being performed;

(3) A description of the activity, the date it began, its location, status, and anticipated date of completion; and

(4) A copy of the Department of Energy's letter authorizing the activity.

(b) Any person, within 30 days after beginning any generally authorized activity under § 810.7(b) or (g), shall provide to the Department of Energy:

(1) The name, address, and citizenship of the person submitting the report;

(2) The name, address, and citizenship of the person or entity for which the activity is being performed; and

(3) A description of the activity, the date it began, its location, status, and anticipated date of completion.

(c) All reports should be sent to:

U.S. Department of Energy, Washington, DC 20585

Attention: Director, Division of Politico-Military Security Affairs, DP-332, Office of International Security Affairs

§ 810.14 Additional information.

The Department of Energy may at any time require a person engaging in any generally or specifically authorized activity to submit additional information.

§ 810.15 Violations.

(a) The Atomic Energy Act provides that:

(1) Permanent or temporary injunctions or restraining orders may be granted to prevent any person from violating any provision of the Atomic Energy Act or its implementing regulations.

(2) Any person convicted of violating or conspiring or attempting to violate any provision of section 57 of the Atomic Energy Act may be fined up to \$10,000 or imprisoned up to 10 years, or both. If the offense is committed with intent to injure the United States or to aid any foreign nation, the penalty could be up to life imprisonment and a \$20,000 fine.

(b) Title 18 of the United States Code, section 1001, provides that persons convicted or willfully falsifying, concealing, or covering up a material fact or making false, fictitious or fraudulent statements or representations may be fined up to \$10,000 or imprisoned up to five years, or both.

§ 810.16 Effective date.

These regulations are effective upon publication as final rule, 1986. Except for any action taken by DOE pursuant to § 810.11, this revision shall not affect: (a) The validity or terms of any specific authorization granted under the regulations previously in effect, or (b) generally authorized activities for which contracts, orders or licensing arrangements were in place prior to [date of publication as final rule].

[FR Doc. 86-11666 Filed 5-27-86; 8:45 am]

BILLING CODE 8450-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-3022-6]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rulemaking.

SUMMARY: USEPA proposes to approve a revision to the Illinois State Implementation Plan (SIP) for ozone. The revision, if finally approved, would provide an extended compliance schedule for American Can Corporation's (American Can) Hoopeston facility which is located in Hoopeston, Illinois. This SIP revision would allow American Can additional time to reformulate the coatings used in

manufacturing cans. This action is taken in response to a May 6, 1985, request from the State of Illinois.

DATES: Comments on this revision and on the proposed USEPA action must be received by June 27, 1986.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V office.)

U.S. Environmental Protection Agency,
Region V, Air and Radiation Branch,
230 South Dearborn Street, Chicago,
Illinois 60604

Illinois Environmental Protection
Agency, Division of Air Pollution
Control, 2200 Churchill Road,
Springfield, Illinois 62706

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible).

Gary Gulezian, Chief, Regulatory
Analysis Section, Air and Radiation
Branch (5AR-26), U.S. Environmental
Protection Agency, Region V, 230
South Dearborn Street, Chicago,
Illinois 60604.

FOR FURTHER INFORMATION CONTACT:
Uylaine E. McMahan (312) 886-6031.

SUPPLEMENTARY INFORMATION: On May 8, 1985, the Illinois Environmental Protection Agency (IEPA) submitted a proposed revision to its ozone SIP for American Can's Hoopeston facility located in Hoopeston, Illinois. This SIP revision is in the form of a January 24, 1985, Opinion and Order of the Illinois Pollution Control Board (IPCB), PCB 84-106. It grants American Can a compliance date extension for VOC control requirements from October 1, 1984, until December 31, 1987, and provides a legally enforceable compliance program. The variance is intended to provide American Can with additional time to comply through development of low solvent technology. However, if American Can cannot develop such technology by the extended compliance date, American Can must install add on control technology.

Under the existing federally approved SIP, each of American Can's side seam spray coating operation is subject to a limit of 5.5 pounds of VOC per gallon (lbs of VOC/gal), the emission limitation contained in Rule 205(n)(1)(B)(v) of Chapter 2: Air Pollution, of the Illinois Pollution Control Board Rules and Regulations. In addition, each of American Can's end-sealing compound operations is subject to the 3.7 lbs of VOC/gal emission limitation contained in IPCB Rule 205 (n)(1)(B)(iv). Final

compliance with these emission limitations was required by December 31, 1982. The proposed SIP revision would extend the date for final compliance by American Can to December 31, 1987.

USEPA's policy on approving compliance date extensions for controlling VOC emissions from certain can manufacturing processes was published in the March 10, 1982, *Federal Register* (47 FR 10293). The policy states that USEPA will approve compliance date extensions for control of VOC emissions from can coating operations in those cases where the extension will facilitate the expeditious conversion to low solvent technology. These extensions may be granted for a period up to December 31, 1985, where an expeditious, legally enforceable compliance program has been developed. In addition, an approvable compliance date extension must be consistent with the reasonable further progress (RFP) requirements of the Clean Air Act and must not prevent the area from attaining the ozone national ambient air quality standard by the area's attainment date.

USEPA has not issued subsequent general guidance allowing extensions past 1985 nor has the Agency indicated that (1) 3.7 lbs of VOC/gal no longer constitutes reasonably available control technology (RACT) for high fat resistant end sealing compounds or that (2) 5.5 lbs of VOC/gal no longer constitutes RACT for side sealing operations.

Although the present VOC emissions from American Can's side sealing and end-sealing compound operation do not indicate a RACT level of control, USEPA is approving this proposed SIP revision extended compliance for the following reasons: (1) American Can is located in Vermillion County which has always been designated as an attainment area for the pollutant ozone, (2) this proposed SIP revision does not include a permanent relaxation or a compliance date extension past 1987 and (3) approval of this proposed SIP revision will not produce any increase in emissions and therefore will not interfere with the maintenance of the ozone NAAQS. Any limitations imposed by USEPA policy with regard to compliance date extensions is directed toward those areas not having attained the NAAQS and are not applicable to this revision because Vermillion County is now and has always been attainment for Ozone. With this approval, the waiver from the requirement of one year of preconstruction ozone monitoring required by the Prevention of Significant Deterioration (PSD) regulations is terminated for Vermillion County.

USEPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before June 27, 1986, will be considered in USEPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office listed at the front of this notice.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Authority: 42 U.S.C. 7401-7642.

Dated: December 26, 1985.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 86-11871 Filed 5-27-86; 8:45 am]

BILLING CODE 6580-50-M

40 CFR Part 65

[A-3-FRL-3022-5]

Air Quality Implementation Plans; Delayed Compliance Orders; Proposed Approval of an Administrative Order Issued By the Pennsylvania Department of Environmental Resources

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking;
invitation for public comment.

SUMMARY: EPA is proposing to approve an Administrative Order, as a Delayed Compliance Order (Order), issued by the Pennsylvania Department of Environmental Resources to Reading Body Works, Inc. The Order requires the company to bring air emissions from its Reading Body Works, Inc., facility located in Reading, Berks County, Pennsylvania, into compliance with certain regulations contained in the federally approved Pennsylvania State Implementation Plan (SIP) for the control of ozone. Compliance shall be achieved by April 21, 1986 utilizing low solvent technology (LST) and April 21, 1987 should LST be abandoned and add-on controls installed. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a Delayed Compliance Order pursuant to the Clean Air Act (the Act). If approved by EPA, the Order will

constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the enforcement provisions of section 113 of the Act or citizen suit provisions, under section 304 of the Act, for violations of the SIP regulations covered by the Order. The purpose of this Notice is to invite public comment on EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before June 27, 1986.

ADDRESSES: Comments should be submitted to Director, Air Management Division, EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at the EPA Region III address above during normal business hours.

FOR FURTHER INFORMATION CONTACT: James B. Topsale, P.E., Environmental Engineer, Enforcement Policy and State Coordination Section, Air Management Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Telephone: (215) 597-6553.

SUPPLEMENTARY INFORMATION: On February 18, 1986, the Pennsylvania Department of Environmental Resources (PADER) entered into a Delayed Compliance Order (DCO) with the Reading Body Works, Inc. The Order is now subject to public comment and other State procedural requirements before it becomes a final State action. Under the EPA parallel processing procedures for public comment on this Order, EPA will work closely with the PADER as it finalizes this Order through the State process. EPA, Region III will consult with all other appropriate EPA offices as the Order is being developed and during the State and Federal rulemaking process to ensure that all issues are identified before final adoption by the State. If the PADER or EPA obtain no information that would require significant changes to the Order, it will be finally adopted by the PADER and submitted to EPA for final approval. Only after Pennsylvania's submission of the final Order would EPA take final action approving the Order. If significant changes are made to the Order during the State rulemaking proceeding, EPA will propose appropriate action on the resulting final Order.

Reading Body Works, Inc., operates a miscellaneous metal parts painting facility in Reading, Berks County, Pennsylvania. The Order under consideration addresses emissions from the surface coating processes, which are

subject to § 129.52 Table 1, Nos. 10(g) and 10(e) of Title 25 of the Pennsylvania Code requiring the Reading Body Works Inc., to reduce the emissions into the outdoor atmosphere of Volatile Organic Compounds (VOC) from the Reading Body Works, Inc., miscellaneous painting operations to 3.0 lbs. per gallon (minus water) for the coatings which are baked dry and 3.5 lbs per gallon (minus water) for the coatings which are air dried. The regulations limited the emissions of volatile organic compounds (VOC), and are part of the federally approved Pennsylvania State Implementation Plan for the control of ozone. The Order is to require final compliance with the regulation by April 21, 1986, through the use of low solvent technology (LST) and April 21, 1987, should LST be abandoned and add-on controls installed.

Because this Order be issued to a major source of VOC emissions and permit a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a Delayed Compliance Order and under section 113(d) of the Clean Air Act (the Act). EPA has reviewed the Order and has found that the Order does satisfy the requirements of this section of the Act.

EPA's review indicates that the Reading Body Works, Inc., miscellaneous metal parts painting facility is a major source of VOC emissions. The facility is located in the Northeast Pennsylvania Upper Delaware Valley Interstate (New Jersey-Pennsylvania) Air Quality Control Region, essentially a nonattainment area for the National Ambient Air Quality Standard for ozone excluding the attainment counties of Tioga, Bradford and Sullivan. The facility, as presently constructed, has been unable to comply with regulations limiting emissions of VOC's codified at 129.52 Table 1, Nos. 10(g) and 10(e), of Title 25 of the Pennsylvania Code part of the federally approved State Implementation Plan, because low solvent coatings are still being developed.

Through a public notice, dated January 8, 1986, the PADER has provided an opportunity for public comment and hearing on the Order. No public comments or request for public hearing were received. However, the issuance of the Order by PADER is an appealable action under the State Air Pollution Control Act. The appeal period extends for 30 days following the date of publication of the Notice of Action in the *Pennsylvania Bulletin*.

The Order contains requirements for expeditious increments of progress

towards compliance and emission monitoring and reporting requirements, and provides for interim emission reduction requirements as required by section 113(d)(6) of the Clean Air Act. These requirements are sufficient to avoid any imminent and substantial endangerment to health within the meaning of section 113(d)(7)(A) of the Clean Air Act. The first increment of progress, which requires Reading Body Works, Inc., to submit to PADER's Norristown Regional Office two copies of an application for Plan approval for the electrocoating painting system ("EPD") has been completed. The 1984 estimated VOC emission of 61.0 tons/year (T/Y) will be reduced to 38.1 T/Y by April 21, 1986 if low solvent coatings are chosen, but in any event no later than April 21, 1987 should add-on controls be installed.

The system of emissions reduction required during the period covered by this Order is the best practicable system in light of the ultimate emission reductions required for compliance with the SIP. This interim system provides substantial emission reduction in a manner which permits the Company to move toward the use of either low solvent coatings or facility alterations to install add-on controls.

The Order requires the facility to comply with the State Implementation Plan whenever it is temporarily able to do so and the Order, therefore, meets the requirements of section 113(d)(7)(B). The order notifies Reading Body Works, Inc., of its liability for noncompliance penalties under section 120 of the Clean Air Act, 42 U.S.C. 7420 as required by section 113(d)(1)(E) of the Act.

If the Order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded.

If approved, the Order would also constitute an addition to the Pennsylvania SIP. However, source compliance with the Order will not preclude assessment of any penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2)(B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order.

After the public comment period, the Administrator of EPA will publish in the Federal Register the Agency's final action on the Order in 40 CFR Part 65.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of the Executive Order 12291.

(Authority: 42 U.S.C. 7413, 7601)

Dated: May 15, 1986.

James M. Seif,

Regional Administrator, Region III.

[FR Doc. 86-11872 Filed 5-27-86; 8:45 am]

BILLING CODE 5560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 64a

Obligated Service for Mental Health Traineeships

AGENCY: Public Health Service, Department of Health and Human Services.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend regulations implementing the provisions of section 303 of the Public Health Service (PHS) Act (42 U.S.C. 242a), as amended by section 803 of the Mental Health Systems Act, regarding the service payback obligations of individuals who receive clinical traineeships in psychology, psychiatry, social work or nursing (that are not of limited duration or experimental nature). The proposed rules would amend Part 64a of Title 42 of the Code of Federal Regulations to establish a uniform rate of interest for all individuals who receive clinical traineeships, clarify the fact that funds owed to the Government become a debt when the trainee fails to complete the obligation, require that training institutions conduct entrance and exit interviews with trainees to inform them of the seriousness of their service obligations, and provide guidelines for hardship deferrals.

DATE: Comments must be received on or before July 28, 1986.

ADDRESS: Submit written comments to: Joan W. Jenkins, Ph. D., Office of Policy Analysis and Coordination, National Institute of Mental Health, Room 17C-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Comments will be available for public inspection at this location between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Diana Trunel, Grants Management Specialist, National Institute of Mental Health, Room 7C-26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 [301] 443-4924.

SUPPLEMENTARY INFORMATION: The Public Health Service proposes to amend § 64a.105(g) to provide that interest accrues from the date on which the trainee fails to undertake or complete the service obligation, and continues to accrue until the total amount due is repaid. It is also proposed to require trainees who do not fulfill their obligations to pay interest on outstanding indebtedness at a rate certified by the Secretary of the Treasury for use by the National Research Service Award (NRSA) program.

Many of the conditions established under the current regulations follow those which govern obligated service for recipients of NRSA research training support under section 472 of the Public Health Service Act, 42 U.S.C. 2891-1, and the NRSA regulations, 42 CFR Part 66. The proposed amendments would continue to parallel the conditions imposed under the NRSA program where it is legally permissible and deemed appropriate as a matter of policy.

Interest Rates

The existing regulation creates confusion over which interest rate applies to an outstanding debt. It provides that the maximum prevailing (monthly) legal rate in effect at the time and place of payment of the traineeship award would be applied to the debt. This conceivably could result in 50 different rates being in effect throughout the country, with disputes ensuing over what the maximum rate is within each jurisdiction.

A number of established interest rates were examined in an attempt to determine which one could fairly be characterized as approaching a "maximum legal rate," would be fair and equitable to trainees, and could be easily identified by the public. The rate certified by the Secretary of the Treasury for use with the National Research Service Awards (NRSA) was selected because it represents the highest rate assessed by the Government that appears appropriate for this type of program. This rate is established quarterly by the Federal Reserve Board after reviewing the private consumer lending rates of several major banks and is certified by the Treasury Department as the rate for use by NRSA. The rate is published in a Federal Reserve Board release entitled

"Interest Rates on Selected Consumer Installment Loans at Reporting Commercial Banks," and can be obtained by the public by contacting the individual listed above under "further information." The fact that the NRSA program is similar in many respects to this program also influenced our decision. Since this rate represents the cost of funds from private commercial concerns, and is used by at least one other similar Federal program, this Department believes it would be equitable to have defaulting recipients pay their debts at this rate.

Repayment Terms

Individuals who have received clinical traineeships under the existing regulations are allowed up to 2 years after termination of their traineeship to begin their obligated service. If an individual does not perform obligated service, he or she has an additional 3 years to make monetary payback. At the end of the 3-year period, any unpaid amount becomes a debt with interest accruing. PHS believes that a 5-year interest-free period is too long and proposes to modify this provision.

Under the proposed regulations, the trainee will be charged interest from the date on which the trainee fails to meet the service obligation, thus eliminating the 3-year interest-free period. However, the proposed regulations will continue the policy of not charging interest during the 2-year period during which trainees may begin their obligated service so long as the trainee intends to perform service. Thus, a trainee who is unable to find suitable service and decides at the end of the 2-year period to make monetary payback will not be penalized by the charging of interest during that period.

In those instances where a trainee has incurred other conflicting service obligations (National Health Service Corps or NRSA), the current regulations (42 CFR 64a.105(f)) provide that the starting date for the mental health traineeship may be deferred for a corresponding length of time. This provision will remain unchanged by the proposed amendments.

Interviews

The existing regulations require that training institution give written notice of the service payback and recovery provisions to each individual at the time the individual becomes a candidate for the traineeship. Before awarding the traineeship, the institution is required to obtain the individual's written assurance that the service obligation will be satisfied. The PHS has found,

however, that training institutions are failing to follow these regulations and that, in some cases, trainees are not required to sign payback agreements until after their appointment.

These amended regulations require that training institutions conduct entrance and exit interviews for recipients and document those interviews on existing forms: the form containing the individual's written assurance for the entrance interview, and the termination form for the exit interview. During the entrance interview, an individual is to be thoroughly informed of the service obligation and the consequence of failing to fulfill this obligation before the agreement is signed and the funds received. These amendments also require that an exit interview be conducted where the recipient is reminded of the service obligation, warned of the consequences of failing to fulfill it, and told that the Secretary has been notified of the termination of the traineeship.

Delay

The existing regulations authorize the Secretary to grant delays in performing the service obligation because of individual hardship, but do not establish any criteria for determining the existence of hardship. The amended regulations utilize the standards used for National Research Service Awards (42 CFR 66.111) as guidance for making this determination.

Economic Impact of Regulatory Requirements

Because the proposed rule would not impose a significant burden on training institutions, it is anticipated that compliance with the rule would not impose any new major expenditures on their part. The proposed change in the method of calculating the interest rate would affect solely individual trainees and, in the aggregate, is not expected to be substantial although it may be significant in individual cases. Therefore, these regulations will not have a significant economic impact on a substantial number of small entities and a Regulatory Flexibility Analysis under the Regulatory Flexibility Act of 1980 is not required. Further, since these regulations do not meet any criteria for a major regulation under Executive Order 12291, a Regulatory Impact Analysis is not required.

Paperwork Reduction Act

Sections 64a.104 and 64a.105 of this proposed rule contain information collection requirements. Three forms necessary for the information collection

have been approved for use through June 30, 1986 (OMB-0930-0074). The additional burden imposed by this NPRM is that of documenting entrance and exit interviews with individual trainees. As required by the Paperwork Reduction Act of 1980, we have submitted a copy of this proposed rule to the Office of Management and Budget (OMB) for its review of these additional requirements. Other organizations and individuals desiring to submit comments on the information collection requirements should direct them to the agency official designated for this purpose whose name appears under "further information," and to the Office of Information and Regulatory Affairs, OMB, Room 3208, New Executive Office Building, Washington, DC 20503, Attention: Desk Officer for HHS.

List of Subjects in 42 CFR Part 64a

Health professions, Manpower training programs, Mental health programs, Clinical traineeships, Obligated service.

Dated: March 18, 1986.

Donald Ian Macdonald,

Acting Assistant Secretary for Health.

Approved: April 24, 1986.

Otis R. Bowen,

Secretary.

PART 64a—[AMENDED]

Therefore, it is proposed that Subchapter E of Chapter I of Title 42 of the Code of Federal Regulations be amended in Part 64a to read as follows:

1. The authority citation for Part 64a continues to read as follows:

Authority: Section 803, Pub. L. 96-398, 94 Stat. 1607-1608 (42 U.S.C. 242a).

2. In § 64a.104, paragraphs (b) and (c) are revised to read as follows:

§ 64a.104 What requirements are imposed upon grantees?

(b) Before awarding a clinical traineeship, conduct an entrance interview with the individual in order to explain and emphasize the service obligation the individual is incurring, obtain the individual's written assurance that he or she will satisfy the requirements of § 64a.105, and document, in accordance with paragraph (d) of this section, the entrance interview on the form containing the individual's written assurance.

(c) At the time of termination of the clinical traineeship,

(1) Notify the Secretary in writing of the date on which the individual's traineeship is terminated;

(2) Conduct an exit interview with the individual to remind the trainee of the service obligation, to fully explain the consequences that will incur should the trainee fail to satisfy the obligation, and to tell the individual that the Secretary has been notified of the date of termination of the traineeship; and

(3) Document, in accordance with paragraph (d) of this section, the exit interview on the form notifying the Secretary of the termination of the traineeship.

(d) Document the entrance and exit interviews with at least the following information: the date of the interview, the names of the participants involved in the interview, and a statement that the interview included an explanation to the individual of the service payback requirement and the consequences of failing to fulfill the service payback requirement.

(Approved by the Office of Management and Budget under Control No. 0930-0074.)

§ 64a.105 [Amended]

3. Section 64a.105(e)(1) is proposed to be amended to include a subparagraph (iii) which reads as follows:

(e) *Conditions for deferral or break in service, waiver, or cancellation.* (1)

(iii) In making determinations under § 64a.105(e)(1)(i)(C), the Secretary will take into consideration the following factors:

(A) The individual's present financial resources and obligations;

(B) The individual's estimated future financial resources and obligations;

(C) The reasons for the individual's failure to complete the requirements within the prescribed period, such as problems of a personal nature;

(D) The unavailability of employment opportunities appropriate to the individual's education and training; and

(E) Any other extenuating circumstances.

4. Section 64a.105(g) is proposed to be revised as follows:

(g) *Recovery for failure to perform obligated service.*

(1) If an individual fails to begin or complete the obligated service in accordance with the requirements of paragraphs (a) through (f) of this section, that individual is obligated to repay the United States an amount equal to three times the cost of the award (including stipends and other trainee allowances) plus interest on that amount calculated for the total period since the trainee failed to perform the obligated service at the rate set by the Secretary of the Treasury for National Research Service

Awards prevailing on the date on which the period of appointment begins, multiplied, in any case in which the service that was required has been performed in part, by the percentage which the length of service that was not performed is to the length of the service that was required to be performed. The amount will be determined under the following formula:

$$A = 3(\theta + mi\theta) \frac{(t-s)}{(t)}$$

where

- A = The amount the United States is entitled to recover;
 θ = The cost of the clinical traineeship (including stipends and other trainee allowances);
 m = The number of months since the trainee failed to perform obligated service;
 i = The National Research Service Award rate on the date which the period of appointment begins divided by twelve;
 t = The total number of months of the service obligation;
 s = The number of months that have been served.

(2) Unless the Secretary extends the repayment period as provided in paragraph (e) of this section, the individual shall pay to the United States the total amount which the United States is entitled to recover under paragraph (g)(1), immediately upon the date that the individual fails to begin or complete the period of obligated service (including failing to comply with the applicable terms and conditions of an extension or break in service granted the individual) or upon the date that the individual indicates his or her intention not to fulfill the service obligation as determined by the Secretary. The amount is considered a debt owed to the United States, with interest accruing monthly upon the total debt as provided under paragraph (g)(1).

(Approved by the Office of Management and Budget Under Control No. 0930-0074.)

[FR Doc. 86-11875 Filed 5-27-86; 8:45 am]

BILLING CODE 4160-17-M

Health Care Financing Administration

42 CFR Parts 431 and 433

[BPO-052-P]

Medicaid Program; Identification of Third Party Liability Resources for Medical Assistance

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We are proposing to revise regulations governing a Medicaid State agency's responsibility to take reasonable measures to determine the legal liability of third parties to pay for services under the plan. These proposed regulations would require that the agency at a minimum: (1) Obtain certain health insurance information for Medicaid applicants or recipients during the initial application and redetermination processes; (2) attempt to secure agreements to conduct certain types of data exchanges with specific State and Federal agencies, or in some cases alternate sources, to identify legally liable third parties; (3) conduct diagnosis and trauma code edits to identify third party resources; and (4) follow other specified procedures regarding frequency of conducting the above activities, follow up, safeguarding information obtained and exchanged, and reporting and reimbursement requirements.

The objectives of these requirements are to improve State agency performance in the identification of third party resources and to assure the timely incorporation of this resource information into the third party claims payment processing system.

DATES: To Be considered, comments must be received at an appropriate address as provided below by 5:00 p.m. on June 27, 1986.

ADDRESS: Address comments in writing to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: BPO-052-P, P.O. Box 26676, Baltimore, Maryland 21207.

In commenting, please refer to file code BPO-052-P.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, DC, or
 Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Ave. SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone 202-245-7890).

Please address a copy of comments on information collection requirements to: Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive

Office Building, Washington, DC 20503. Attention: Fay Iudicello.

FOR FURTHER INFORMATION CONTACT: Al Czerski (301) 597-0463.

SUPPLEMENTARY INFORMATION:

I. Background

A. General

A third party is any individual, entity or program that is or may be liable to pay all or part of the expenditures for medical assistance furnished under a State plan. Examples of liable third parties include commercial insurance companies through employment-related or privately purchased health insurance or through casualty coverage resulting from an accidental injury; payments received directly from an individual who has either voluntarily accepted or been assigned legal responsibility for the health care of one or more Medicaid recipients; fraternal groups; unions; or State Workers' Compensation commissions.

B. Statute-General

Section 1902(a)(25) of the Social Security Act (the Act), prior to the enactment of the Consolidated Omnibus Reconciliation Act of 1985 (Pub. L. 99-272, April 8, 1986), required that State or local Medicaid agencies take all reasonable measures to ascertain the legal liability of third parties to pay for care and services furnished to Medicaid recipients. This section required the agency to seek reimbursement from a third party to the extent that the party is legally liable for Medicaid covered services "arising out of an injury, disease, or disability."

Section 1903(o) of the Act prohibits Federal matching of State Medicaid payments if a private insurer would have been liable to pay for the medical care, except that the insurance contract limits or excludes liability when the individual is eligible for Medicaid. Section 1903(d)(2) of the Act provides for consideration of the Federal share of any amounts already recovered by a State from a third party for medical assistance as an overpayment to the State, and for appropriate adjustment of the quarterly Medicaid payments made by the Federal government to the State.

C. Deficit Reduction Act (DEFRA) of 1984

The Deficit Reduction Act of 1984 (Pub. L. 98-369, July 18, 1984) made several changes to the statute that affect requirements as they relate to third party liability.

Section 2367 of DEFRA added a new section 1902(a)(45) to the Act to provide,

as a Medicaid State plan requirement, for mandatory assignment of rights to payments for medical support and other medical care owed to recipients in accordance with section 1912 of the Act. Section 2367 also amended section 1912 of the Act to require (rather than allow as an option) that the Medicaid plan provide that (1) as a condition of eligibility for medical assistance, individuals assign to the State their rights to any medical support or other payments for medical care and that they cooperate with the State in establishing paternity and in obtaining third party payments; and (2) States enter into cooperative agreements for the enforcement of rights to and collection of third party benefits. These agreements may be with State child support enforcement (title IV-D) agencies, any other appropriate agency of a State, and appropriate courts and law enforcement officials. In addition, section 2651 of DEBRA added a new section 1137 to the Act. This section, in part, requires State agencies that administer the Unemployment Compensation program, the Food Stamp program, the Aid to Families with Dependent Children (AFDC) program, the adult assistance programs (Titles I, X, XIV, and XVI (AABD) of the Act) and the Medicaid program to have in effect an income and eligibility verification system (IEVS) under which certain income and other relevant information would be exchanged and utilized among the above agencies for the purpose of verifying eligibility and benefit amounts under the programs administered by those agencies (section 1137(a)(2) of the Act). Section 2651 also provides that such information be targeted to uses most likely to identify and prevent erroneous eligibility determinations and incorrect payments, (section 1137(a)(4)(C) of the Act).

We interpret the language of section 1137 of the Act to mean that State Medicaid agencies must use relevant information available under that section to the extent it is useful, as determined by the Secretary in the identification and pursuit of legally liable third party payers of medical expenses, since this affects the correct amount of payment made under Medicaid.

D. Consolidated Omnibus Reconciliation Act (COBRA) of 1985

Section 9503 of COBRA, in part, amended Section 1902(a)(25) of the Act by adding a new provision under section 1902(a)(25)(A)(i) to specify that the Medicaid State plan must provide for the collection of sufficient information to enable the State to pursue claims against third parties, with such

information being collected at the time of any application or redetermination process with regard to eligibility for medical assistance.

Section 9503 of COBRA provided for certain other requirements with respect to third party liability. Some of those provisions are already contained in current regulations and others will be dealt with in future Federal Register publications.

E. Current Third Party Regulations

Regulations containing third party liability requirements are located at 42 CFR Part 433, Subpart D. For purposes of the provisions proposed in this document, the relevant regulations sections to be considered are §§ 433.138 through 433.140. Section 433.138 requires the State agency to take reasonable measures to determine the legal liability of third parties to pay for services covered under the State's Medicaid State plan. Section 433.139 (as amended recently under final regulations published on November 12, 1985 (50 FR 46652), sets forth provisions for payment of claims involving liable third parties. Before publication of these final regulations, States had the flexibility to use either of two methods for paying claims. Under the first method, cost avoidance, if the amount of third party liability is established, the agency pays only to the extent that payment allowed under the agency's payment schedule exceeds the amount of the third party liability. The claim is then returned to the provider with the information necessary for the provider to bill the third party. The second method, "pay and chase", permits the agency to pay the total amount allowed under the agency's payment schedule and then seek reimbursement on a post-payment basis (within 30 days after the end of the month in which payment is made) from liable third parties. Final regulation § 433.139 now requires State agencies to use only the cost avoidance method of payment and certain specified procedures when the agency has established the probable existence of third party liability at the time the claim is filed. These requirements apply unless a waiver is appropriately requested by the State and approved by HCFA.

Under section 433.140, one of the requirements for Federal financial participation in Medicaid payments is that the State agency has fulfilled the requirements of §§ 433.138 and 433.139.

F. Program Experience

States, under current regulations, have been given significant flexibility in the administration of the third party liability provisions. However, we believe that

areas of potential savings with respect to third party liability resources have not been consistently pursued by States. For example, program experience indicates a lack of systematic efforts by States in identifying liable third party resources through the use of available data sources identified during initial application and redetermination processes, and in coordinating with other entities such as social service agencies and other compensation programs to obtain relevant third party information. There have also been problems with incorporating identified third party resource information into State third party data bases or recovery units for proper claims processing. In addition, program experience has shown that it is more cost effective for States to use the cost avoidance method of claims payment whenever possible and that failure to do so or failure to consistently seek recovery from known third party resources after claims payment, has resulted in a loss in potential program savings.

G. Recent Initiatives.

In an effort to improve the administration of the Medicaid program and implement the sections of DEBRA with respect to third party liability, we have undertaken several initiatives.

As a joint effort, HCFA and a State work group developed and published a guide composed of the more successful State agency TPL practices. State practices identified in the guide, *A Guide to Successful State Agency Practices—TPL in The Medicaid Program*, were selected based on the States' documentation of the cost effectiveness of implementation and ongoing operation as well as long range TPL savings and recoveries to the States. The guide was distributed to all State Medicaid agencies in March 1985 to be used as a management tool to assist States in upgrading and improving State Medicaid TPL programs. It also provides an indication to States of the costs and benefits some States have experienced in initiating some of these practices and we continue to encourage States to refer to this guide in considering any changes to their current TPL programs.

On February 28, 1986, we and the Departments of Labor and Agriculture published jointly in the Federal Register (51 FR 7178) a final rule implementing section 2651 of DEBRA. This rule requires that States develop IEVS meeting certain statutory and regulatory requirements for the purpose of verifying eligibility and correct payment amounts.

In addition, HCFA and the Social Security Administration (SSA), based on the success of an earlier pilot project, have entered into an agreement to make available to interested State Medicaid agencies a third party liability program. Under this program, SSA field offices will collect, for purposes of identifying legally liable third parties, certain health insurance information from SSI individuals who are also Medicaid eligible. A more detailed discussion of this project follows under section II.A.1.

Also, in connection with third party liability resource initiatives, the Office of Child Support Enforcement (OCSE) published a final rule on October 16, 1985 (50 FR 41887), which implements section 16 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98-378). This rule, in part, requires State IV-D agencies to obtain basic medical support information and provide this information to the State Medicaid agency. Also, if the custodial parent does not have satisfactory health insurance coverage, the IV-D agency must petition the court or administrative authority to include medical support in the form of health insurance in new or modified support orders and inform the State Medicaid agency of orders that include a medical support obligation. Finally, the IV-D agency must take steps to enforce health insurance coverage for dependent children which has been ordered by the court. These activities increase the use of available third party resources in the form of private health insurance, thus increasing medical cost savings to State and Federal government under the Medicaid program.

II. Major Provisions of Proposed Regulations

In an effort to further improve program efficiency and reduce Medicaid expenditures through increased third party liability savings and to implement certain portions of section 9503 of COBRA that relate to the identification of third parties, we are now proposing additional changes to the regulations located at Part 431, Subpart F and § 433.138. In developing these regulations we have relied on the statutory authority set out in I. B., C. and D. above, as well as program experience. We would expect State Medicaid agencies to carry out the provisions of this rule within existing information systems, making modifications only as necessary to meet the new requirements.

The regulations we are now proposing would provide that the State Medicaid agency take reasonable measures to determine the legal obligation of third parties to pay for services under the

plan, at a minimum providing for the following:

A. Obtaining Health Insurance Information: Initial Application and Redetermination Processes

1. Collection by SSA

Under section 1634 of the Act, the Social Security Administration is authorized to enter into agreements with interested State Medicaid agencies to determine Medicaid eligibility for individuals who receive Supplemental Security Income (SSI) benefits under title XVI. Currently there are 32 Medicaid State agencies under such contractual agreements.

As mentioned earlier in section I.G. *Recent Initiatives*, based on the success of a previous pilot project, HCFA and SSA have entered into an agreement to make available to all section 1634 States, a program whereby SSA field offices will collect from SSI applicants or recipients certain health insurance information during the initial application and redetermination processes and will transmit that information to State Medicaid agencies.

States interested in this project, which became effective April 1, 1985, must execute an agreement with HCFA to participate. The effective date of an agreement would be no earlier than two months following the execution of the agreement. HCFA agreements with States will also incorporate by reference any modified section 1634 agreements entered into by States with SSA prior to February 1, 1985, with regard to the collection of health insurance information.

Currently 25 States and the District of Columbia have begun participation in the project. In order to implement section 1902(a)(25)(A)(i) of the Act as amended by COBRA, we are now proposing that all States having section 1634 agreements with SSA be required to participate in the joint SSA/HCFA third party program. Regulations located at § 433.138 would be amended by adding a paragraph (b)(2) to require States to enter into an agreement with HCFA (or prior to February 1, 1985, have executed a modified section 1634 agreement with SSA that is still in effect) to—

a. Provide for collection, from the SSI applicant or recipient during the initial and redetermination processes as described above, of health insurance information in the form and manner specified by the Secretary; and

b. Transmit the information to the Medicaid agency. Instructions concerning the procedures to be followed by SSA with respect to

this joint project are contained within the Program Operations Manual System, Part 05, Chapter 17, Subchapter 30—SSA Determinations of Medicaid Eligibility.

We are also proposing similar requirements for obtaining health insurance information in those instances in which eligibility is determined by the Medicaid agency or any other State agency.

2. Collection by State Agencies Other Than the Medicaid Agency

Under § 431.10(d) of current regulations, the State plan must provide for written agreements between the Medicaid agency and other State agencies that determine Medicaid eligibility; e.g., the State agency administering State supplemental payments under section 1616 of the Act or the State agency administering the AFDC program. The agreement must state the relationships and respective responsibilities of the agencies. In order to implement section 1902(a)(25)(A)(i) of the Act, with respect to State agencies (other than the Medicaid agency itself) that determine Medicaid eligibility in accordance with a written agreement, we are proposing under § 433.138(b)(3) that the Medicaid agency must modify its agreement to provide for the collection, during the initial application and each redetermination process for eligibility, of health insurance information. This information would then be forwarded to the Medicaid agency. The Medicaid agency would have flexibility in determining the type of information to be collected; however, the health insurance information must be in a form which is useful in identifying legally liable third party resources so that the Medicaid agency may process claims under the third party claims payment provisions specified in section 433.139 (b) through (f) as amended under the November 12, 1985 final rule. Some examples of appropriate health insurance information are: name of policy holder, his or her relationship to the claimant or recipient, relevant social security numbers (SSNs), name and address of insurance company, policy number, etc. Under section 1137 of the Act, States must require that each applicant and recipient of benefits furnish to the State their social security number(s) (SSNs) as a condition of eligibility. While States may, in connection with obtaining health insurance data, request the SSN of any person with legal responsibility (other than the applicant/recipient) for any member of the unit applying for or receiving benefits, they may not require that the applicant/recipient disclose

such numbers as a condition of eligibility. States requesting voluntary disclosure of SSNs must do so in compliance with section 7 of the Privacy Act, Pub. L. 93-579.

With respect to obtaining health insurance information, some applicants or recipients are not aware of potential health insurance coverage that may be available to them; therefore, in some cases it is not sufficient to simply ask during the initial application or redetermination processes if health insurance is available. Some examples of questions that have proven to be effective in identifying the potential existence of health insurance are—

- Is the Medicaid applicant or recipient or member of the family working or a member of a labor union?
- Is the Medicaid applicant or recipient or family member in the military?
- Is health insurance available through an absent parent?

3. Collection by State Medicaid Agency

If the State Medicaid agency determines Medicaid eligibility, we would require the agency itself to collect the health information described above during the initial application and each redetermination process. (§ 433.138(b)(1))

4. Followup Procedures

With respect to the health insurance information obtained by agencies, we would require that within 30 days the agency must follow up on such information (if appropriate) in order to identify legally liable third party resources and incorporate such information into the eligibility case file and into its third party data base and third party recovery unit so the agency can process claims under the third party liability payment procedures specified in § 433.139 (b) through (f). We would require the State to describe in their State plan the methods the agency would use to meet these requirements. In some cases followup may not be required since the applicant or recipient may supply complete identifying information during the eligibility determination or redetermination processes. (§ 433.138(g)(2))

B. Data Exchanges With State Wage Information Collection Agencies (SWICAs), the SSA Wage and Earnings Files and State Title IV-A Agencies

1. General

We are also proposing changes to § 433.138 which would require use of information obtained from certain data exchanges which each State is now required to have under the final IEVS

regulations published in the Federal Register February 28, 1986. As discussed earlier, this final rule implements section 1137 of the Act by requiring Federally-funded State administered programs such as Medicaid, AFDC, food stamps, etc., to have in effect an Income and eligibility verification system (IEVS) under which certain wage and other relevant information must be exchanged and utilized among those program agencies for purposes of verifying eligibility and benefit amounts under those programs.

Under § 435.948(a) (1) and (2) of the final Medicaid IEVS regulations, the Medicaid agency, when it determines Medicaid eligibility, is required to obtain and utilize information for those purposes from SWICAs during the application period and at least on a quarterly basis and from the SSA wage and earnings files for applicants during the application period and for the recipients for whom the information has not previously been requested. (A State title IV-A agency, the other agency responsible for administering the AFDC programs, is also required under IEVS regulations located at 45 CFR 205.55 to conduct similar data exchanges with respect to its AFDC population, a population automatically eligible for Medicaid services.)

As set forth in the IEVS final rule, a SWICA is the State agency administering the State unemployment compensation law; a separate agency administering a quarterly wage reporting system; or a State agency administering an acceptable alternative system. SWICAs that do not use reported wages for unemployment insurance benefit calculations or that is an alternative system approved by the Secretary of Labor are required (and other SWICAs are strongly encouraged) to maintain and exchange wage information that identifies the SSN, full name, wages earned, and an identifier of the employer (for example, name and address) (§ 435.4.). The SSA wage and earnings files are nationwide files of wages, including those paid by Federal government, earnings from self-employment and pension benefits.

Also, under § 435.948(a)(6)(i) of the IEVS regulations the Medicaid agency must request any additional income, resource, or eligibility information relevant to determinations concerning eligibility or correct amount of medical assistance payments available from certain State agencies, including the title IV-A agency.

We interpret the language contained in section 1137 to require the Medicaid agency when it determines Medicaid eligibility to utilize, through direct data

exchanges, available SWICA and SSA wage and earnings files information to the extent it is useful, as determined by HCFA, and to request and utilize relevant information from title IV-A agencies in identifying legally liable third parties since it affects benefit amounts. Therefore, in conjunction with the requirements set forth under §§ 435.4 and 435.948 of the final IEVS regulations, we would incorporate into § 433.138 new paragraphs (c) and (d)(1) through (d)(3) containing the requirements described in preamble sections B.2. through B.5 following.

2. Social Security Numbers of Absent or Custodial Parents

The Agency would be required, under a new paragraph (c), to incorporate into the Medicaid eligibility case file the names and SSNs of absent or custodial parents of recipients to the extent available for the purpose of conducting data matches with SWICAs, the SSA wage and earnings file and the Workers' Compensation or Industrial Accident Commissions. The agency will have already obtained available names and SSNs of absent or custodial parents through the health insurance information gathering processes mentioned in paragraph II.A. of this preamble. These names and SSNs would also be available (under section 1137 of the Act and the recently published IEVS regulations located at 42 CFR 435.948(a)(6)) from the State agencies administering title IV-A and (under section 452(d) of the Act and the recently published OCSE regulations located at 45 CFR 306.50) from the State IV-D agencies that administer the Child Support Enforcement program.

We realize that there may be some duplication of information involving absent parents resulting from the requirements just mentioned due to the final rule discussed earlier published by OCSE on October 16, 1985. That rule requires State IV-D agencies to collect information if it is available or can be obtained on IV-D case for which an assignment is in effect under title IV-A or IV-E of the Act. If the IV-D case does not have an assignment in effect under Title IV-A or IV-E of the Act, the State IV-D agency is required to collect information if the custodial parent is a Medicaid applicant or recipient. However, the data exchange required by this proposed rule will yield additional benefits. The match will identify some employed absent parents that IV-D was unable to locate. It will also reveal some absent parents who have changed employers without the knowledge of IV-D. In addition, there will be some

instances where the Medicaid recipient or custodial parent has not filed application with IV-D but the absent parent is working and may have health insurance available. Further duplication would result from the data matches with SWICA and the SSA wage and earnings files since State wage information would also be contained in the SSA wage and earnings files. However, the SSA wage and earnings files would pick up those Medicaid recipients and absent parents who are Federal employees, self-employed or employed in another State which would not be picked up under the SWICA data exchange. We believe that the benefits of conducting these matches will outweigh the administrative burden of some duplication of effort.

3. Data Exchanges With SWICAs and SSA Wage and Earnings Files

The agency must (for purposes of identifying third parties) as part of the SWICA and SSA wage and earnings files data exchange requirements, use the information that identifies those Medicaid recipients that are employed and their employer(s) and, the agency must also (assuming that it has obtained the names and SSNs of absent or custodial parents of Medicaid recipients) obtain information that identifies those absent or custodial parents of recipients that are employed and their employer(s), unless the agency can demonstrate to HCFA that it has an alternate source of information that can be obtained as timely and is as complete and useful for identifying third parties as SWICA and SSA information. (§ 433.138(d) (1) and (2))

4. Data Exchanges With State Title IV-A Agencies

The Medicaid agency must, as required under the final IEVS regulations § 435.948(a)(6)(i), request from the State title IV-A agency income information obtained from the title IV-A agency SWICAs and SSA wage and earnings files data exchanges. As mentioned earlier, the IV-A agency, in accordance with a written agreement with the State Medicaid agency under § 431.10(d) of the regulations make Medicaid eligibility determinations. Under section 1137 of the Act, the IV-A agency is required to conduct data exchanges with SWICAs and the SSA wage and earnings files for their AFDC population which is also automatically eligible for Medicaid. By requesting the information obtained under these data exchanges, the Medicaid State agency will be able to identify those Medicaid recipients that are employed and their employer(s). (§ 433.138(d)(3))

5. Followup Procedures

With respect to the information obtained from the data exchanges with the SWICAs, the SSA wage and earnings files and title IV-A agencies, followup requirements are the same as discussed under section II.A.5 for obtaining health insurance information. (§ 433.138(g)(1))

6. Frequency of Exchanges

The frequency of the Medicaid agency's data exchanges with regard to SWICAs and SSA wage and earnings files have already been set under the final IEVS regulations. The frequency of title IV-A agency data exchanges with SWICAs and SSA wage and earnings files under the IEVS regulations are located at 45 CFR 205.55(a)(1) and (a)(3). With regard to the Medicaid agency obtaining information under § 435.948(a)(6)(i) from the State title IV-A agency, we would require that the information be obtained from the title IV-A agency on a timely basis that is consistent with the intervals specified in § 205.55(a)(1) and (a)(3).

In most cases, follow up would include contact with the identified employed individual's employer to obtain information regarding the availability of health insurance for the Medicaid recipient. We would expect that in the interest of efficiency, this information should be gathered when the case worker is following up with an employer to verify income and eligibility requirements under IEVS regulations to avoid two employer contacts for the same individual. If the eligibility case file already contains information regarding health insurance available through the individual's employer(s) it is not necessary to do the additional followups.

C. Other Data Exchanges

Sections 1137 and 1902(a)(25) of the Act do not specifically provide for data exchanges with certain additional State agencies, such as State Workers' Compensation or Industrial Accident Commissions or Motor Vehicle Departments. However, we believe that such additional data exchanges constitute "reasonable measures to ascertain the legal liability of third parties" for purposes of section 1902(a)(25) of the Act, and that, therefore, such exchanges would be appropriate complements to the mandated SWICA and SSA Earnings file exchanges. Many States, on their own initiative, have adopted various practices to identify third party resources. We have selected the two examples identified above for

incorporation into regulations as a requirement because they have been successful in identifying liable third parties, and have proved cost effective to the Medicaid program in those States that have implemented them.

Therefore we are proposing to require that State Medicaid agencies attempt to secure agreements with these two agencies (to the extent permitted by State law) to conduct data exchanges as discussed below.

1. State Workers' Compensation or Industrial Accident Commission Files

Assuming that an agreement can be reached, and such exchanges comply with applicable State and Federal law, data exchanges would entail matching identifying information (for example, name, SSN) for Medicaid recipients and (assuming names and SSNs have been obtained) absent or custodial parents of Medicaid recipients with Workers' Compensation or Industrial Accident files to identify those individuals with employment-related injuries or illnesses (§ 433.138(d)(4)(i)). A match with a Medicaid recipient may indicate that the individual was involved in a job-related injury and that the Worker's Compensation or Industrial Accident Commission may be a liable third party resource for the cost for care and services furnished to the recipient. A match involving an absent parent or custodial parent could indicate that the parent is or was employed and that third party resources may be available through health insurance provided by their employer.

2. State Motor Vehicle Accident Report Files

Required data exchanges would involve matching identifying information for Medicaid recipients with State motor vehicle accident report files to identify those recipients injured in motor vehicle accidents, whether injured as pedestrians, drivers or passengers in motor vehicles, or as bicyclists (§ 433.138(d)(4)(ii)). A match may indicate that third party resources would be available through an automobile or liability insurance policy.

3. Securing Agreements

We would require the Medicaid agency to attempt to secure agreements with the above two agencies. If unable to secure agreements, the agency must submit documentation to the regional office that demonstrates that the agency made a reasonable attempt to secure them. If HCFA determines that a reasonable attempt was made, the requirements concerning data

exchanges with these two agencies would be deemed to be met (§ 433.138(d)(5)). In this context we would not require, but strongly encourage States to seek other alternative sources for obtaining similar information with respect to identifying liable third parties. Such activities could produce significant combined Federal and State cost savings in expenditures under Medicaid. An example of one alternative is demonstrated by California and Iowa which have adopted legislation requiring that attorneys representing Medicaid recipients in a liability-related accident notify the State Medicaid agency of such activity. This practice would encompass cases involving automobile accidents, Workers' Compensation claims, as well as other accidental injury claims and has resulted in substantial savings to the Medicaid program both in the Federal and State share.

4. Frequency of Exchange

Under our proposed regulations at § 433.138(f), if agreements have been secured, States would be required to conduct data exchanges with the above two agencies on a routine and timely basis. The State Medicaid agency would have the flexibility to develop a plan (as part of its State plan) defining the frequency of the exchanges.

5. Followup Procedures

a. *State Workers' Compensation or Industrial Accident Commission Files.* Followup requirements are the same as discussed before under section II.A.5 for obtaining and acting on health insurance information. States would have flexibility in developing a plan for followups. We expect that followup methods will vary depending on the nature of the match. For example, a match involving a Medicaid recipient with Workers' Compensation files may involve followup with the commission, whereas a similar match with an absent parent would probably involve followup with the employed individual's employer(s) to obtain information regarding the availability of health insurance for the Medicaid recipient. (§ 433.138(g)(2))

b. *State Motor Vehicle Accident Report Files.* With respect to the information obtained from the State Motor Vehicle Accident Report files, we would require the agency to develop and submit a plan (as part of its State plan) that describes its methods for following up on this information in order to identify legally liable third party resources so the agency can process claims under the third party liability payment procedures specified in

§ 433.139(b) through (f). Also, after followup, the agency would be required to incorporate that information into the eligibility case file and into its third party data base and third party recovery unit within timeframes specified in the State plan. (§ 433.138(g)(3))

We are providing more flexibility in State followup procedures for State Motor Vehicle exchanges because followup on the information obtained from the State Motor Vehicle Accident Report files may be extensive. Therefore, we have given the States flexibility in developing methods and timeframes for followup. In most instances, the Medicaid agency would receive a listing of all individuals injured in accidents. Since States do not require that SSNs be included on accident reports, the Medicaid agency would have to manually match the names of insured individuals against the names of Medicaid recipients. Once a match is established, the Medicaid agency would be required to followup to determine liability for the accident. This may involve obtaining and reviewing police reports, interviewing witnesses, etc. to establish legal liability.

D. Diagnosis and Trauma Code Edits

1. General

We are proposing to amend § 433.138 by adding a new paragraph (e) to include a requirement regarding diagnosis and trauma code edits. As part of the Medicaid claims payment process, providers submit claims to the State agency for payment. Claims are compiled for entry into the claims payment processing system. State claims data which are generated periodically include a listing of claims paid, the amount of the claim and the diagnosis code under which the claim was submitted. These diagnosis codes can be found in the International Classification of Disease, 9th Revision, Clinical Modification, Volume 1 (ICD-9-CM). Within this coding system there are specific codes (800-999 inclusive) that could denote a possible trauma-related injury. An example would be code 806 that denotes a fracture of the vertebral column with spinal cord injury. With regard to paid claims with these codes, if the trauma occurred as result of, for example, a criminal act, a car accident or employment-related injury, third parties such as the State Crime Compensation Commission, the Workers' Compensation Commission or a commercial health insurance company may be liable for payment for services provided under Medicaid.

Therefore, under the authority of section 1902(a)(25) of the Act, we are

proposing to require in § 433.138(e) that State agencies take action to identify those paid claims that contain diagnosis or trauma codes 800-999, inclusive, and follow up on that information for purposes of identifying liable third parties.

2. Frequency of Trauma Edits and Followup

We would require agencies to conduct these edits on a routine and timely basis and develop and specify in the plan the frequency of the edits performed (§ 433.138(f)) and the methods used to followup. As part of the followup procedures, we are also proposing that States periodically take action to identify those trauma codes which have yielded the highest third party collections. Based on these findings, future followup procedures would give higher priority to those codes likely to be the most productive.

In the case of followup with trauma edits, we are providing States with flexibility in developing methods and timeframes for followup due to the nature of the followup. States would most likely have to begin followup by contacting the recipient by phone or questionnaire to determine the nature of the trauma and then followup with insurance companies, attorneys, witnesses, etc., to establish liability depending on the situation. After followup the agency must incorporate all information identifying legally liable third parties (so the agency can process claims under the third party liability payment procedures specified in § 433.139(b)) through (f)) into the eligibility case file and its third party data base and recovery unit within timeframes specified in the plan. (§ 433.138(g)(4))

E. Safeguarding of Information

1. Background

Section 1902(a)(7) of the Act requires that a State plan must provide safeguards that restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of the plan. Current regulations located at 42 CFR Part 431, Subpart F implement this requirement by specifying State plan requirements, the types of information to be safeguarded, the conditions for release of safeguarded information, and restrictions on the distribution of other information.

We believe that these current regulations adequately specify requirements to safeguard information

and need very little revision to protect information received under § 433.138 concerning third party liability. However, we do propose two changes to Part 431, Subpart F as discussed below.

2. General Safeguards

Current regulations at 42 CFR 431.305 (as amended under the IEVS final rule) specify that the data to be safeguarded must include, at least, names and addresses, medical services provided, social and economic conditions, agency evaluation of personal information, medical data, and any information received for verifying income eligibility and the amount of medical assistance payments under § 435.940ff. We would amend § 431.305 by adding a new subparagraph (7) to specifically state that the agency must also have criteria that govern the safeguards of third party liability data received under proposed § 433.138. We would also add a new paragraph (h)(1) to proposed § 433.138 to indicate that the agency must safeguard information obtained under § 433.138 in accordance with regulations at Part 431, Subpart F.

3. Data Exchanges

Also, as background to the change we are now proposing to § 431.306, Release of information, the final IEVS regulations added to § 431.306 a new paragraph (g) that requires, as a safeguarding measure, that the State Medicaid agency have a written agreement (as specified in § 435.945(f) of the IEVS regulations) with any agency with which it exchanges data under section 1137 of the Act. Under § 435.945(f), those agreements at a minimum must specify—

- (1) The information to be exchanged and the titles of officials with authority to request the information;
- (2) The methods and timing for requesting and providing information;
- (3) Safeguards limiting the use and disclosure of information; and
- (4) Methods in reimbursing agencies for the cost of furnishing information.

Because our proposed third party liability regulations at § 433.138 contain data exchanges falling within the scope of IEVS, as well as other similar exchanges, we are proposing two changes to regulations. We would add a new paragraph (h) to § 431.306 to require that the State Medicaid agency have a written agreement as specified in a new paragraph 433.138(h)(2) before requesting information from, or releasing information to, other agencies to identify legally liable third party resources under data exchange requirements contained

in § 433.138(d) of the regulations. The written agreement requirements in the new § 433.138(h)(2) would parallel the requirements contained in the final IEVS regulations § 435.945(f).

F. Reimbursement and Reports

We would add new paragraphs (i) and (j) to § 433.138 to provide for reimbursement to agencies for furnishing information and for reports with respect to certain activities.

1. Reimbursement

We would require under paragraph (i), State Medicaid agencies to reimburse agencies, upon request, for reasonable costs incurred in furnishing information to the Medicaid agency. Also, in connection with reimbursement, as mentioned earlier, we would require each State Medicaid agency to specify when entering into an agreement with another agency to obtain data, how it would reimburse reasonable costs for those activities (§ 433.138(h)(2)). Each State would be expected to maintain some type of accounting method so that appropriate costs and reimbursement amounts can be calculated. We believe that these requirements are necessary to ensure that program agencies providing data receive reimbursement from the agency receiving data and also because we believe adequate reimbursement mechanisms may be an important determining factor in an agency's willingness to enter into an agreement with State Medicaid agencies to perform certain services with respect to third party liability.

2. Reports.

Finally, under § 433.138(j), we would require State Medicaid agencies to provide such reports as the Secretary prescribes for purposes of determining compliance with requirements in § 433.138, and evaluating the effectiveness of the third party liability identification system. We would highlight the reporting requirements for the data exchanges set forth in final IEVS regulations at § 435.945(e) as they relate to third party activities and also require reports for the State Workers' Compensation and State Motor Vehicle data exchanges and for trauma code edit activities.

III. Regulatory Impact Analysis

A. Executive Order 12291

Executive Order 12291 requires us to prepare and publish an initial regulatory impact analysis for any proposed major rule. A major rule is defined as any

regulation that is likely to: (1) Have an effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation is likely to result in a significant reduction of Federal Medicaid program expenditures. Additionally, while there may be moderate increases in State Administrative costs, such costs would be offset by larger savings to States due to more effective identification of liable third parties.

Implementation of this rule would result in program savings to the extent that liable third parties are identified and payments are made for services that would otherwise be paid for by the Medicaid program under existing TPL identification programs. It is difficult to estimate precisely the overall impact of this rule due to the flexible nature of many of the proposed requirements, a lack of sufficient data on existing State TPL programs, and the overlapping nature of this regulation with other regulations that affect TPL collections.

We have, however, made a rough estimate of the impact based on a study prepared under contract with HCFA by Maximum, Inc. (Contract No. 500-79-0500) titled *Evaluation of the Cost-Effectiveness of the Collection of Third-Party Liability by State Medicaid Agencies*, completed in 1981. Based on the findings of that study, we concluded that between 1.0 and 2.5 percent of annual Federal Medicaid expenditures could be eliminated through better use of TPL information collection and related State agency procedures. We attempted to take into account the impact of related regulations discussed elsewhere in this preamble, and developed low and high approximations, reflecting 1.0 percent and 2.5 percent reductions respectively, of savings that could be achieved if all the TPL-related regulations were implemented. We then apportioned that estimate to each of the regulations under development. Below, we provide our best high and low approximations illustrating the range of potential savings that would result from implementing the provisions of this proposed rule.

SAVINGS PER FISCAL YEAR

(Rounded to nearest \$25 million)

	1986*	1987*	1988	1989	1990
Low negligible**		50	100	125	125
High negligible**		125	275	300	325

* Amounts in FY 1986 and 1987 are set at 1/2 and 3/4 of ultimate levels to account for lags in implementation and impact.

** Both the low and high estimates for FY 86 are less than \$12.5 million.

In total, we estimate that implementation of this rule would result in Federal Medicaid savings of between \$450 million and \$1.15 billion during the next five-year period. Because potential annual savings would exceed the \$100 million threshold under E.O. 12291, this is considered a major rule and an initial regulatory impact analysis is necessary.

While each proposed requirement is discussed previously in this preamble, fulfilling some of the requirements of an initial impact analysis, we are highlighting below the areas that may produce the greatest impact. We invite States and others to comment on them and to provide additional data and analyses related to their impact.

The costs of implementation and operation of a revised TPL identification program will vary from State to State. We recognize that in some States the costs will be high. However, it is these States that we believe will benefit the most from the proposed requirements. The States that already have effective TPL identification and collection procedures will not benefit as much. On the other hand, implementation costs for them will be relatively small.

The main factors that will affect the magnitude of savings achieved by implementation of these proposals are:

- The effectiveness of agencies in obtaining liability information at the time of application or redetermination.
- The intensity of followup actions taken by the State Medicaid agency to bring about actual payments from liable third parties.
- The degree of success in obtaining agreements with other agencies for exchanging relevant data.
- The relative usefulness and frequency of utilizing diagnosis codes related to trauma in identifying liable third parties.

This proposed rule should have no effect on Medicaid eligibility determinations. It is intended to provide assistance and incentives to States for the identification of alternative sources of payment for health services provided to Medicaid participants. It is further possible that may making Medicaid enrollees more aware of other health insurance coverage available to them, access to care may be enhanced.

B. Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), we prepare and publish an initial regulatory flexibility analysis for proposed regulations unless the Secretary certifies that the regulation would not have a significant economic impact on a substantial number of small entities.

The primary impact of this proposed rule would fall on State Medicaid agencies and on other, primarily private, insurers. For purposes of the RFA, States are not considered small entities. Further, we do not believe that increased payments on the part of other insurers or payers would represent a significant portion of their total payments. The Department generally uses 3 percent as a threshold in determining whether the impact is significant under the RFA. We estimate that private insurance companies, in calendar year 1984, paid out about \$111.8 billion in the form of benefits to enrollees. Thus, even the high estimate of \$325 million eventual additional annual payments by other payers is significantly less than the 3 percent criteria. Additionally, the increased payments by third parties would not be a result of revised payment policies. These would be payments for which the third parties are presently liable but ineffectively identified and billed. For these reasons, we have determined, and the Secretary certifies, that this regulation would not have a significant economic impact on a substantial number of small entities. Therefore, an initial regulatory flexibility analysis is not required.

IV. Information Collection Requirements

Sections 431.305(b), 431.306(h), 433.138(b) through (h), and 433.138(j) of this proposed rule contain information collection requirements that are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to OMB as indicated in the ADDRESS section of this document.

V. Response to Comments

Because of the large number of comments we receive on proposed regulations, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments received timely and respond to the major issues in the preamble to that rule.

List of Subjects

42 CFR Part 431

Grant programs—health, Health facilities, Medicaid, Reporting and recordkeeping requirements.

42 CFR Part 433

Administrative practice and procedure, Claims, Grant programs—health, Medicaid, Reporting and recordkeeping requirements.

42 CFR Chapter IV, Subchapter C would be amended as set forth below:

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

* * * * *

SUBCHAPTER C—MEDICAL ASSISTANCE PROGRAMS

* * * * *

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

The authority citation for Part 431 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

A. Part 431, Subpart F would be amended as set forth below:

1. In § 431.305, the introductory text to paragraph (b) is republished and a new paragraph (b)(7) is added to read as follows:

§ 431.305 Types of information to be safeguarded.

* * * * *

(b) This information must include at least—

* * * * *

(7) Any information received in connection with the identification of legally liable third party resources under § 433.138 of this chapter.

2. In § 431.306, a new paragraph (h) is added to read as follows:

§ 431.306 Release of information.

* * * * *

(h) Before requesting information from, or releasing information to, other agencies to identify legally liable third party resources under § 433.138(d) of this chapter, the agency must execute data exchanges agreements, as specified in § 433.138(h)(2) of this chapter.

PART 433—STATE FISCAL ADMINISTRATION

The authority citation for Part 433 continues to read as follows:

Authority: Secs. 1102, 1902(a)(4), 1902(a)(25), 1902(a)(45), 1903(a)(3), 1903(d)(2), 1903(d)(5), 1903(o), 1903(p), 1903(r), and 1912 of the Social Security Act; 42 U.S.C. 1302,

1396a(a)(4), 1396a(a)(25), 1396a(a)(45), 1396b(a)(3), 1396b(d)(2), 1396b(d)(5), 1396b(o), 1396b(p), 1396b(r) and 1396k, unless otherwise noted.

B. In Part 433, Subpart D, § 433.138 is revised to read as follows:

§ 433.138 Determining liability of third parties.

(a) *Basic provisions.* The agency must take reasonable measures to determine the legal liability of third parties to pay for services furnished under the plan. At a minimum, such measures must include the requirements specified in paragraphs (b) through (j) of this section.

(b) *Obtaining health insurance information: Initial application and redetermination processes for Medicaid eligibility.* (1) If the Medicaid agency determines eligibility for Medicaid, it must, during the initial application and each redetermination process, obtain from the applicant or recipient such health insurance information as would be useful in identifying legally liable third party resources so that the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f). Health insurance information may include, but is not limited to, the name of the policy holder, his or her relationship to the applicant or recipient, the social security number (SSN) of the policy holder, and the name and address of insurance company and policy number.

(2) If Medicaid eligibility is determined by the Federal agency administering the supplemental security income program under title XVI in accordance with a written agreement under section 1634 of the Act, the Medicaid agency must take the following action. It must enter into an agreement with HCFA or must have, prior to February 1, 1985, executed a modified section 1634 agreement that is still in effect to provide for—

(i) Collection, from the applicant or recipient during the initial application and each redetermination process, of health insurance information in the form and manner specified by the Secretary; and

(ii) Transmittal of the information to the Medicaid agency.

(3) If Medicaid eligibility is determined by any other agency in accordance with a written agreement, the Medicaid agency must modify the agreement to provide for—

(i) Collection, from the applicant or recipient during the initial application and each redetermination process, of such health insurance information as

would be useful in identifying legally liable third party resources so that the Medicaid agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f). Health insurance information may include, but is not limited to, those elements described in paragraph (b)(1) of this section; and

(ii) Transmittal of the information to the Medicaid agency.

(c) *Obtaining other information.* The agency must, for purposes of implementing the requirements in paragraph (d)(1)(ii) and (d)(4)(i) of this section, incorporate into the eligibility case file the names and SSNs of absent or custodial parents of Medicaid recipients to the extent such information is available.

(d) *Exchange of data.* To obtain and use information for the purpose of determining the legal liability of third parties so that the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f), the agency must take the following actions:

(1) Except as specified in paragraph (d)(2) of this section, as part of the data exchange requirements under § 435.945 of this chapter, from the State wage information collection agency (SWICA) defined in § 435.4 of this chapter and from the SSA wage and earnings files data as specified in § 435.948(a)(2) of this chapter, the agency must—

(i) Use the information that identifies Medicaid recipients that are employed and their employer(s); and

(ii) Obtain and use, if their names and SSNs are available to the agency under paragraph (c) of this section, information that identifies absent or custodial parents of recipients that are employed and their employer(s).

(2) If the agency can demonstrate to HCFA that it has an alternate source of information that furnishes information as timely, complete and useful as the SWICA and SSA wage and earnings files in determining the legal liability of third parties, the requirements of paragraph (d)(1) of this section are deemed to be met.

(3) The agency must request, as required under § 435.948(a)(6)(i), from the State title IV-A agency, information that identifies those Medicaid recipients that are employed and their employer(s).

(4) Except as specified in paragraph (d)(5) of this section, the agency must attempt to secure agreements (to the extent permitted by State law) to provide for obtaining—

(i) From State Workers' Compensation or Industrial Accident Commission files, information that identifies Medicaid

recipients and, (if their names and SSNs were available to the Agency under paragraph (c) of this section) absent or custodial parent of Medicaid recipients with employment related injuries or illnesses; and

(ii) From State Motor Vehicle accident report files, information that identifies those Medicaid recipients injured in motor vehicle accidents, whether injured as pedestrians, drivers, passengers, or bicyclists.

(5) If unable to secure agreements as specified in paragraph (d)(4) of this section, the agency must submit documentation to the regional office that demonstrates the agency made a reasonable attempt to secure these agreements. If HCFA determines that a reasonable attempt was made, the requirements of paragraph (d)(4) of this section are deemed to be met.

(e) *Diagnosis and trauma code edits.* The agency must take action to identify those paid claims for Medicaid recipients that contain diagnosis codes 800 through 999 (ICD-9-CM) International Classification of Disease, 9th Revision, Clinical Modification, Volume 1) inclusive, for the purpose of determining the legal liability of third parties so that the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f).

(f) *Data exchange and trauma code edits: Frequency.* The agency must conduct the data exchange required in paragraph (d)(1) of this section in accordance with the intervals specified in § 435.948 of this chapter; the data exchanges required in paragraph (d)(3) of this section on a timely basis that is consistent with the intervals specified in 45 CFR 205.55 (a)(1) and (a)(3); and must conduct the data exchanges and diagnosis and trauma edits required in paragraphs (d)(4) and (e) of this section on a routine and timely basis. The State plan must specify the frequency of these activities.

(g) *Followup procedures for identifying legally liable third party resources.*— (1) *SWICA, SSA wage and earnings files, and title IV-A data exchanges.* With respect to information obtained under paragraphs (d)(1) through (d)(3) of this section—

(i) Within 30 days, the agency must followup (if appropriate) on such information in order to identify legally liable third party resources and incorporate such information into the eligibility case file and into its third party data base and third party recovery unit so the agency may process claims under the third party liability payment

procedures specified in § 433.139 (b) through (f); and

(ii) The State plan must describe the methods the agency uses for meeting the requirements of paragraph (g)(1)(i) of this section.

(2) *Health insurance information and worker's compensation data exchanges.* With respect to information obtained under paragraphs (b) and (d)(4)(i) of this section—

(i) Within 30 days, the agency must followup on such information (if appropriate) in order to identify legally liable third party resources and incorporate such information into the eligibility case file and into its third party data base and third party recovery unit so the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f); and

(ii) The State plan must describe the methods the agency uses for meeting the requirements of paragraph (g)(2)(i) of this section.

(3) *State motor vehicle accident report file data exchanges.* With respect to information obtained under paragraph (d)(4)(ii) of this section—

(i) The State plan must describe the methods the agency uses for following up on such information in order to identify legally liable third party resources so the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f);

(ii) After followup, the agency must incorporate all information that identifies legally liable third party resources into the eligibility case file and into its third party data base and third party recovery unit; and

(iii) The State plan must specify timeframes for incorporation of the information.

(4) *Diagnosis and trauma code edits.* With respect to the paid claims identified under paragraph (e) of this section—

(i) The State plan must describe the methods the agency uses to follow up on such claims in order to identify legally liable third party resources so the agency may process claims under the third party liability payment procedures specified in § 433.139 (b) through (f) (Methods must include a procedure for periodically identifying those trauma codes that yield the highest third party collections and giving priority to following up on those codes.);

(ii) After followup, the agency must incorporate all information that identifies legally liable third party resources into the eligibility case file

and into its third party data base and third party recovery unit; and

(iii) The State plan must specify the timeframes for incorporation of the information.

(h) *Obtaining other information and data exchanges: Safeguarding information.* (1) The agency must safeguard information obtained from and exchanged under this section with other agencies in accordance with the requirements set forth in Part 431, Subpart F of this chapter.

(2) Before requesting information from, or releasing information to other agencies to identify legally liable third party resources under paragraph (d) of this section the agency must execute data exchange agreements with those agencies. The agreements, at a minimum, must specify—

(i) The information to be exchanged;

(ii) The titles of all agency officials with the authority to request third party information;

(iii) The methods, including the formats to be used, and the timing for requesting and providing the information;

(iv) The safeguards limiting the use and disclosure of the information as required by Federal or State law or regulations; and

(v) The method the agency will use to reimburse reasonable costs of furnishing the information if payment is requested.

(i) *Reimbursement.* The agency must, upon request, reimburse and agency for the reasonable costs incurred in furnishing information under this section to the Medicaid agency.

(j) *Reports.* The agency must provide such reports with respect to the data exchanges and trauma code edits set forth in paragraphs (d)(1) through (d)(4) and paragraph (e) of this section, respectively, as the Secretary prescribes for the purpose of determining compliance under § 433.138 of the regulations and evaluating the effectiveness of the third party liability identification system.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: March 13, 1986.

Henry R. Desmarais,
Acting Administrator, Health Care Financing Administration.

Approved: March 31, 1986.

Otis R. Bowen,
Secretary.

[FR Doc. 86-11899 Filed 5-27-86; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[FR Docket No. 86-169; RM-5203; FCC 86-216]

Amendment of Part 90 of the Commission's Rules and Regulations To Permit Expanded Use of the 450 MHz 12.5 kHz Offset Channels in the Special Industrial Radio Service

Correction

IN FR Doc. 86-10552 beginning on page 17367 in the issue of Monday, May 12, 1986, the Docket No. should read as it appears in the heading above.

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 215 and 252

Federal Acquisition Regulation Supplement; Industrial Modernization Incentives Program (IMIP)

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory Council is considering coverage in the DoD Federal Acquisition Regulation Supplement (DFARS) for the Industrial Modernization Incentives Program (IMIP). This program when implemented will benefit both the contractor and DoD in the form of increased manufacturing efficiencies based upon the terms and conditions established in a mutually agreed upon IMIP Business Agreement.

DATE: Comments on the proposed rule should be submitted in writing to the DAR Council at the address shown below no later than (July 28, 1986), to be considered in the formulation of the final rule. Please cite DAR Case 85-167 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, ODASD(P)/DARS, c/o OASD(A&L)(MRS), Room 3C841, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202) 697-7266.

SUPPLEMENTARY INFORMATION:**A. Background**

The Department of Defense, in its DoD Directive 5000.44 of April 16, 1986, established policy covering the Industrial Modernization Incentives Program (IMIP). The objective of the program is to stimulate additional defense contractor capital investment and productivity improvement efforts that result in reduced DoD acquisition costs.

B. Regulatory Flexibility Act Information

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is believed that this rule will not have a significant impact on a substantial number of small entities. There will be a requirement for a "report" in that those businesses desiring to participate in IMIP will be required to submit IMIP agreement proposals. However, the data submitted in the proposals will be generated from cost data already contained in the contractor's recordkeeping systems.

C. Paperwork Reduction Act Information

The rule contains information collection requirements which require approval of OMB under 44 U.S.C. 3501, et seq. The collection of information requirements have been submitted to OMB for review pursuant to Section 3504(h) of the Act. Comments should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for DoD.

List of Subjects in 48 CFR Parts 215 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary Defense Acquisition,
Regulatory Council.

Therefore, it is proposed that 48 CFR Parts 215 and 252 be amended as follows:

PART 215—CONTRACTING BY NEGOTIATION

The authority citation for 48 CFR Parts 215 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

2. Section 215.872 is revised to read as follows:

§ 215.872 Capital investment incentives.

(a) *Policy.* Although DoD profit and competition policies are intended to provide adequate incentives to the contractor for capital investment and productivity, it is also recognized that

individual cases will arise when additional incentives may be appropriate. In these individual cases, it is the policy of DoD that industrial modernization incentives may be negotiated and included in contracts for research, development, and/or production of weapons systems, major components, or material. The purpose is to motivate the contractor to invest in facilities modernization and to undertake related productivity improvement efforts it would not have otherwise undertaken or to invest earlier than it otherwise would have done.

(b) *General.* Any industrial modernization incentives program (IMIP) shall be accomplished in accordance with this coverage and with DoD Directive 5000.44 and DoD Guide 5000.44-G. Sufficient flexibility is provided in the directive and guide to allow the IMIP to be tailored to the requirements of an individual situation. The incentives may be in the form of productivity savings rewards, contractor investment protection, and/or other appropriate forms. They may be used separately or in combination, as addressed in subparagraphs (b) (1), (2), and (3) of this subsection. However, in no event, shall an IMIP agreement be made between DoD and a contractor until careful analyses have been conducted and reduced acquisition costs or equivalent benefits (such as improved quality, as a result of the application of the IMIP) are clearly evident. It may be generally desirable to initially negotiate a memorandum of understanding (MOU) to establish guidelines and criteria against which to analyze and negotiate a specific IMIP.

(1) *Productivity Savings Reward (PSR).* This incentive shares the savings achieved from facilities modernization and related productivity improvement efforts. This incentive may be used to encourage productivity improvements in all facets of the production process including major cost driving areas such as labor, materials, overhead, support systems (including software), and organizations. In order for these to be considered viable projects that are beneficial for both the Government and the contractor, the contractor must show that PSR is required for project implementation and that these projects are over and above requirements to meet normal contractual obligations. The scope and limitation of productivity savings rewards are as follows:

(i) Productivity savings rewards in conjunction with contractor capital investment will be based on an internal rate of return analysis. The productivity savings rewards should be sufficient to

allow the contractor to obtain an equitable return on the investment. Nonseverable plant equipment and real property may be included on a limited basis as part of the contractor's investment basis for calculating the appropriate return on investment. The effect of any Government funding provided in conjunction with modernization efforts must be included in the contractor's return on investment (ROI), and no contractor costs or expenses otherwise allocable and allowable to any specific DoD contract may be included.

(ii) Productivity savings rewards providing the contractor a reward for productivity improvements other than through capital investment will be based on an economic analysis of the benefits to the Government and the contractor. The negotiated sharing amount or percentage shall be based on benefits and risks to both parties. It will be paid only for savings that are validated, and will be negotiated for a period normally no longer than five years after the date of implementation.

(iii) Productivity savings rewards shall not constitute fee within the meaning of the limitations imposed by 10 U.S.C. 2306(d).

(2) *Contractor Investment Protection.* If formally agreed to by the parties, this incentive would become operative in the event that the contract or program is terminated or funds are not provided in subsequent fiscal years for the planned acquisition upon which the investment decision was based. This incentive may permit the Government to acquire specific capital investments at no more than the undepreciated value. This value may be determined by considering a combination of investment incentives, income tax credits or incentives, and allowable depreciation costs pursuant to cost principles established in FAR Part 31. The scope and limitations are as follows:

(i) This technique is designed to transfer to the Government some of the risk associated with acquisition of certain capital assets by contractors. Its purpose is to cover only specifically identified cost-effective capital assets. It is not to be used to override the general policy that all facilities needed for the performance of Government contracts will be provided by the contractor as set forth in FAR Part 45.

(ii) This investment incentive is designed primarily for the situation when one program dominates the business base and the contractor may bear unacceptable monetary risk from the modernization effort. The program must provide for a sufficient buy to

allow for amortization of the planned investment.

(iii) Capital assets which may be covered by such an investment incentive include only severable industrial plant equipment, and other types of severable plant equipment with a unit value in excess of \$10,000, including associated accessories which would be capitalized in accordance with the contractor's disclosed accounting practices, but excluding real property.

(iv) The exact value and nomenclature of each piece of capital equipment must be included in the contract documents.

(v) The fiscal authority who commits funds to the resultant contract must certify that the approval authority has approved by fiscal year the amount of contingent Government liability and that the approval authority has notified the Congress in advance that the technique will be used on contracts for a specific weapon system or material program element. Unless there are unusual circumstances, this notification will be included in the justification material submitted to the Congress in support of authorization and appropriation requests. A copy of the notification shall be retained in the contract file.

(vi) Approval for use of this investment incentive must be obtained from the Secretary of the Military Departments or the Director of DLA. Authority up to \$50 million may be delegated no lower than the Commander, AFSC, AFLC, ONAS, or AMC.

(vii) In the event that it becomes apparent that the contingent liability resulting from the use of this technique will become an actual obligation, the approval authority shall be notified and immediate steps shall be taken to obtain sufficient funds to cover the obligation.

(3) *Other appropriate incentives.* Other incentives such as award fees, direct Government funding, and the productivity reward factor under the weighted guidelines, based on IMIP methodologies, may be provided under IMIP when appropriate.

(c) *Contracting Officer Evaluation.* The contracting officer must evaluate the proposed IMIP agreement to determine that benefits to the U.S. Government can be expected. A contractor statement that the investments or actions would not be undertaken without, or will be accelerated with, the use of the incentive may be required. The evaluation should include the following elements:

(1) A cost/benefit analysis of the investment or action and the overall cost savings or other benefits to the Government, including the payback

quantities and payback periods and how the savings will be reflected in the pricing of individual contracts.

(2) An analysis of the contractor's past investments and capital investment profiles, and the relationship of specific projects to the contractor's factory analysis.

(3) Other considerations such as:

(i) Interaction with other incentives provided on the contract.

(ii) Effects of variations in procurement quantities on the incentives.

(iii) How the incentive techniques are integrated with the overall acquisition strategy, including items such as second sourcing plans and multiyear procurement.

(iv) Effects on overhead and indirect costs.

(d) *Negotiation.* (1) The Government objective should be to provide only those incentives sufficient to motivate the contractor to implement the desired investment or action. Ceiling should normally be provided to establish a maximum incentive amount.

(2) Emphasis should be placed on flowing down requirements or involvement to subcontractors and vendors where appropriate.

(3) Provisions should be provided establishing the extent to which the contractor may use equipment for commercial purposes. This should be reflected in the amount of incentive provided.

(4) The extent of disclosure or dissemination of technologies or processes contained in the IMIP are subject to negotiation and agreement.

(e) *Contractual requirements.* (1) Specific contract requirements should be structured to match the circumstances of the individual acquisition.

(2) Measurement and verification requirements should be addressed contractually, and systems established that match the incentives used and the needs in this area. Contractors should be required to develop, maintain, and provide data supporting any measurement of savings achieved.

(f) *Contract clause.* The contracting officer shall include the clause at 252.215-7001, "IMIP Productivity Savings Reward", in all solicitations involving the acquisition of supplies (i.e., weapon systems, equipment, and material) expected to result in contracts or contract modifications greater than \$1 million. The clause is discretionary for inclusion in solicitations less than \$1 million. Inclusion of the clause does not in itself result in the payment of any productivity savings reward amounts to the contractor—the clause becomes operable only when an IMIP business

agreement has been executed establishing all the terms and conditions for payment of the productivity savings rewards.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.215-7001 is added to read as follows:

252.215-701 IMIP Productivity Savings Rewards.

As prescribed at § 215.872(f), insert the following clause: IMIP PRODUCTIVITY SAVINGS REWARDS (1986).

(a) *Purpose.* The purpose of this clause is to permit a contractor to be paid Productivity Savings Rewards (PSR) in accordance with the terms and conditions of an Industrial Modernization Incentives Program (IMIP) business agreement contained in this contract or which benefits this contract. PSR constitutes the Contractor's incentives paid from the total DoD net benefits (savings/cost avoidances).

(b) *Applicability.* This clause provides conditions for payment of the PSR amount applicable to this contract pursuant to the provisions of the IMIP business agreement. Inclusion of this clause in this contract does not in itself result in the payment of any PSR amounts to the Contractor. This clause shall become operable only when an IMIP business agreement has been established and placed in an IMIP contract, or incorporated into this contract, including all of the terms and conditions for payment of the PSR, the total amount of the PSR, and specifying that this total amount has not been earned through previous contracts. This agreement may be directly between DoD and the Contractor, or between the Contractor and a lower-tier DoD Contractor; *Provided*, DoD approval has been obtained for the subcontract program.

(1) *Payment.* The Contracting Officer is authorized to approve payment of PSR amounts under this contract during the sharing period as defined in the IMIP business agreement. PSR amounts may be calculated and paid through a protected sharing, a sharing factor, or other approach as agreed to in the IMIP business agreement. The amount of PSR allocable to this contract along with the frequency of payment will be determined in accordance with the terms and conditions of the IMIP business agreement. When these conditions are met and verified, as determined by the Contracting Officer,

the Contractor shall be paid PSR amounts on this contract. The Contractor or subcontractor shall keep records acceptable to the Contracting Officer of all PSR payments received under a specific IMIP business agreement. The Contractor is authorized to request payment of PSR in accordance with terms specified in the IMIP business agreement.

(2) *Sharing Factor Certification.* When a sharing factor approach is used, the Contractor shall include the following certification on each invoice for payment of a PSR share:

It is hereby certified that the PSR amount requested on this invoice represents an incremental share of the total PSR amount agreed to in the IMIP Business Agreement or this contract

Dated, _____
between the Government and
for which no entitlement has been previously paid.

(3) *Subcontract Applicability.* The Contractor shall include this clause (suitably modified, except for the certification requirement, to meet the circumstances of the subcontract concerned), and shall provide payment of PSR amounts for any subcontract wherein the subcontractor is participating in a DoD-approved IMIP business agreement. All subcontractor cost/price reductions attributable to an IMIP after establishment of the PSR shall be directly and entirely passed through to the Government.

(End of clause.)

[FR Doc. 86-11914 Filed 5-27-86; 8:45 am]

BILLING CODE 3810-01-M

Notices

Federal Register

Vol. 51, No. 102

Wednesday, May 28, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Housing Demonstration Program; Acceptance of Proposals

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of Housing Demonstration Program.

SUMMARY: Notice is hereby given that effective on the date of this published notice, the Farmers Home Administration (FmHA) of the U.S. Department of Agriculture (USDA) will accept proposals for the initiation of the section 502 Housing Demonstration Program as authorized by Title V 1949 Housing Act, as amended, Section 506(b). Under this section of the Act, FmHA may provide funding for innovative housing units and systems which do not meet existing published standards, rules, regulations, or policies. The Congress of the United States made two conditions: (1) That the health and safety of the population of the areas in which the demonstrations are carried out will not be adversely affected, and (2) that the aggregate expenditures for the demonstration may not exceed \$10,000,000 in any fiscal year.

FOR FURTHER INFORMATION CONTACT: Mathias J. Felber, Branch Chief, Special Programs Branch, Single Family Housing Processing Division, Farmers Home Administration, 14th and Independence Avenues, SW., Room 5343, South Building, Washington, DC 20250, Telephone 202-382-1543 or Cliff J. Herron, Senior Loan Officer, Special Programs Branch, Single Family Housing Processing Division, Farmers Home Administration, 14th and Independence Avenues, SW., Room 5343, South Building, Washington, DC 20250, Telephone 202-382-1484.

SUPPLEMENTARY INFORMATION: The primary objective of the demonstration

is to increase the availability of affordable housing for low-income families, through innovative designs and systems. Under current standards, rules, regulations, and policies many low-income rural families lack sufficient incomes to afford adequate housing.

To expedite the demonstration, Farmers Home Administration State Directors are authorized to accept proposed demonstration concept plans and specifications from nonprofits, profit organizations and individuals. The State Directors will evaluate the proposals and make recommendations to the National Office.

Approximately 300 units will be funded for this fiscal year. Proposal concepts will be evaluated by FmHA on a first-come first-served basis. Each state will initially have a demonstration set aside of approximately \$180,000. However, the National Office reserves the right to make appropriate adjustments to the initial appropriation as it deems necessary. Funding is available for fiscal year 1986 only, and any future commitments are based upon availability of funds.

This program activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410. For the reasons set forth in Final Rule related to Notice 7 CFR 3015, Subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940-J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), this program/activity is excluded from the scope of Executive Order 12372 which requires the intergovernmental consultation with state and local officials.

All interested parties must make a written request for a proposal package. The request must be made to the State Director in the state in which the proposal will be submitted for evaluation. The government will not reimburse or be liable for any expenses incurred by respondents in the development and submission of applications. Following is a list of State Directors and their addresses.

State and Address

Alabama

State Director, Farmers Home Administration, Room 717, Aronov Building, 474 South Court Street, Montgomery, Alabama 36104

Alaska

State Director, Farmers Home Administration, Post Office Box 1289, Palmer, Alaska 99720

Arizona

State Director, Farmers Home Administration, Room 3433, Federal Building, 230 North First Avenue, Phoenix, Arizona 85025

Arkansas

State Director, Farmers Home Administration, 5529 Federal Office Building, 700 West Capitol, Little Rock, Arkansas 72201

California

State Director, Farmers Home Administration, 459 Cleveland Street, Woodland, California 95695

Colorado

State Director, Farmers Home Administration, Room 231 #1 Diamond Plaza, 2490 West 26th Avenue, Denver, Colorado 80211

Delaware/Maryland

State Director, Farmers Home Administration, 2319 S. Dupont Highway, Dover, Delaware 19901

Florida

State Director, Farmers Home Administration, Room 212, Federal Building, 401 S.E. First Street, Gainesville, Florida 32602

Georgia

State Director, Farmers Home Administration, 355 E. Hancock Street, Athens, Georgia 30601

Hawaii

State Director, Farmers Home Administration, Room 311, Federal Building, Wai'anuenue Avenue, Hilo, Hawaii 96720

Idaho

State Director, Farmers Home Administration, Room 429, Federal Building, Boise, Idaho 83702

Illinois

State Director, Farmers Home Administration, 2016 W. Springfield Avenue, Champaign, Illinois 61820

Indiana

State Director, Farmers Home Administration, Suite 700, 5610 Crawfordsville Road, Indianapolis, Indiana 46224

Iowa

State Director, Farmers Home Administration, Room 873, Federal

Building, 210 Walnut, Des Moines, Iowa 50309

Kansas
State Director, Farmers Home Administration, 444 South East Quincy Street, Topeka, Kansas 66683

Kentucky
State Director, Farmers Home Administration, 333 Waller Avenue, Lexington, Kentucky 40504

Louisiana
State Director, Farmers Home Administration, 3727 Government Street, Alexandria, Louisiana 71301

Maine
State Director, Farmers Home Administration, USDA Office Building, Orono, Maine 04473

Massachusetts/Connecticut
Rhode Island
State Director, Farmers Home Administration, 451 West Street, Amherst, Massachusetts 01002

Michigan
State Director, Farmers Home Administration, Room 209, 1405 South Harrison Road, East Lansing, Michigan 48823

Minnesota
State Director, Farmers Home Administration, 252 Federal Office Building, and U.S. Courthouse, Saint Paul, Minnesota 55101

Mississippi
State Director, Farmers Home Administration, Room 528, Milner Building, Jackson, Mississippi 39201

Missouri
State Director, Farmers Home Administration, 555 Vandiver Drive, Columbia, Missouri 65201

Montana
State Director, Farmers Home Administration, Federal Building, Post Office Box 850, Bozeman, Montana 59715

Nebraska
State Director, Farmers Home Administration, Room 308, Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508

New Jersey
State Director, Farmers Home Administration, Suite 100, 100 High Street, Mount Holly, New Jersey 08060

New Mexico
State Director, Farmers Home Administration, Room 3414, Federal Building, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87102

New York
State Director, Farmers Home Administration, U.S. Courthouse and Federal Building, 100 South Clinton Street, Syracuse, New York 13202

North Carolina
State Director, Farmers Home Administration, Room 514, 310 New Bern Avenue, Raleigh, North Carolina 27601

North Dakota
State Director, Farmers Home Administration, Room 208, Federal Building, Third and Rosser, Bismark, North Dakota 58501

Ohio
State Director, Farmers Home Administration, Federal Building 507, 200 North High Street, Columbus, Ohio 43215

Oklahoma
State Director, Farmers Home Administration, Agricultural Center Office Building, Stillwater, Oklahoma 74074

Oregon
State Director, Farmers Home Administration, Room 1590, Federal Building, 1220 SW. 3rd Street, Portland, Oregon 97204

Pennsylvania
State Director, Farmers Home Administration, Room 728, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108

Puerto Rico
State Director, Farmers Home Administration, Room 821, Federal Building, Carlos Chardon Street, Hato Rey, Puerto Rico 00919

South Carolina
State Director, Farmers Home Administration, 240 Stonebridge Road, Columbia, South Carolina 29221

South Dakota
State Director, Farmers Home Administration, Room 208, Huron Federal Building 200 4th Street, SW., Huron, South Dakota 57350

Tennessee
State Director, Farmers Home Administration, 538 U.S. Courthouse Building, 801 Broadway, Nashville, Tennessee 57350

Texas
State Director, Farmers Home Administration, W.R. Poage Building, 101 South Main Street, Temple, Texas 76501

Utah/Nevada
State Director, Farmers Home Administration, Room 5311, Federal Building, 125 South State Street, Salt Lake City, Utah 84138

Vermont/New Hampshire
State Director, Farmers Home Administration, 141 Main Street, Montpelier, Vermont 05602

Virginia
State Director, Farmers Home Administration, Room 8213, Federal Building, 400 North Eight Street, Richmond, Virginia 23240

Washington
State Director, Farmers Home Administration, Room 319, Federal Office Building, 301 Yakima Street, Wenatchee, Washington 98801

West Virginia
State Director, Farmers Home Administration, Room 320, Federal Building, 75 High Street, Morgantown, West Virginia 26505

Wisconsin
State Director, Farmers Home Administration, 1257 Main Street, Stevens Point, Wisconsin 54481

Wyoming
State Director, Farmers Home Administration, Room 3213, Federal Building 100 East B. Street, Casper, Wyoming 82601

The reporting and recordkeeping requirements in this Notice have been approved by the Office of Management and Budget and have been assigned OMB control number 0575-0114.

Dated: March 24, 1986.

Vance L. Clark,

Administrator, Farmers Home Administration.

[FR Doc. 86-11852 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-07-M

Soil Conservation Service

Adaman Farm Irrigation Measure, Arizona; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Adaman Farm Irrigation Measure, Maricopa County, Arizona.

FOR FURTHER INFORMATION CONTACT: Verne M. Bathurst, State Conservationist, USDA Soil Conservation Service, 201 East Indianola Avenue, Suite 200, Phoenix, AZ 85012, Telephone (602) 241-2247.

SUPPLEMENTARY INFORMATION: The environmental assessment of this Federal action indicates that the exchange will not cause significant local, regional or national impacts on

the environment. As a result of these findings, Verne M. Bathurst, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this measure plan.

This activity concerns the on-going efforts of area farmers to limit groundwater use by lining canals and taking advantage of available surface water. The use of groundwater causes land subsidence and is very expensive. This measure will reduce subsidence and will improve the profit potential of the benefited farms. Approximately two and one-half miles of earthen ditch will be concrete lined.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State and local agencies and interested parties. A limited number of copies of the FONSI are available at the above address to fill single copy requests. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Verne M. Bathurst.

No administrative action on implementation of this measure plan will be taken until 30 days after the date of this publication in the *Federal Register*.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development, and is subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: May 19, 1986.

Verne M. Bathurst,
State Conservationist.

[FR Doc. 86-11838 Filed 5-27-86; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Cornell University, et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with §§ 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the

Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 86-197. Applicant: Cornell University, Department of Geological Sciences, Snee Hall, Ithaca, NY 14853-1504. Instrument: Mass Spectrometer, Model VG Sector with Accessories. Manufacturer: VG Isotopes Ltd., United Kingdom. Intended use: The instrument is intended to be used for the study of naturally occurring geologic materials, include isotopic compositions and trace element abundances. These studies will involve isotopic composition of radiogenic elements in rock and mineral specimens, primarily of terrestrial origin. Elements of interest will be separated chemically from the rock/mineral and from each other and their isotopic compositions measured by the mass spectrometer. Application received by Commissioner of Customs: April 30, 1986.

Docket No. 86-201. Applicant: The Solomon R. Guggenheim Foundation, 223 Broadway, New York, NY 10279. Instrument: Light Microscope with Accessories. Manufacturer: Carl Zeiss, West German. Intended use: The instrument is intended to be used for investigations of paint polymers, papers and fabrics incorporated in modern art works. The study will have great educational benefits by providing the public with additional information about the art they are viewing, and by providing them with greater insight into the artistic process. In addition, graduate students in the laboratory will use the instrument while learning basic techniques of microscopy and its application to the conservation process. Application received by Commissioner of Customs: May 2, 1986.

Docket No. 86-202. Applicant: Mount Sinai School of Medicine, One Gustave L. Levy Place, New York, NY 10029. Instrument: Laser Microprobe Mass Analyzer. Manufacturer: Leybold-Heraeus GmbH, West Germany. Intended use: The instrument is intended to be used for trace element analysis of biomedical tissues during investigations of pathogenetic mechanisms of disease states. Application received by Commissioner of Customs: May 5, 1986.

Docket No. 86-203. Applicant: Brigham Young University, Chemistry Department, Business Office, 105 NICB, Provo, UT 84602. Instrument: Annular Diffusion Denuder with Accessories. Manufacturer: Gruppo Flow S.P.A., Italy. Intended use: The instrument is

intended to be used for characterization of nitric acid chemistry in the plume of gasified power plant with emphasis on chemistry in the ambient environment. The primary educational benefits will relate to Chemistry 597, Research Techniques, for about 10 to 12 graduate students. Application received by Commissioner of Customs: May 5, 1986.

Docket No. 86-205. Applicant: Yale University School of Medicine, Department of Molecular Biophysics and Biochemistry, P.O. Box 6666, New Haven, CT 06511. Instrument: Small Animal NMR Spectrometer/Imager, Model Biospec 300/4.7T. Manufacturer: Oxford Research Systems, United Kingdom. Intended use: The instrument is intended to be used for metabolic studies on living animals. Methods for acquiring ¹³C and ¹H spectra from brain, heart, liver and kidney of living animals will be the most important of these studies. Techniques in nuclear magnetic resonance spectroscopy will be developed and used for the following:

- (1) Investigation of cerebral metabolism in the brains of living rabbits.
- (2) Investigation of renal metabolism, in the rat, *in vivo*.
- (3) Determination of the stoichiometric relationship between sodium transport and energy utilization in the mammalian kidney.
- (4) Quantitation of the *in vivo* rates of hearts glycogen synthesis and breakdown in both normal and diabetic animals.

In addition, the instrument will be used for an occasional demonstration in courses on NMR in medicine. Application received by Commissioner of Customs: May 5, 1986.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-11915 Filed 5-22-86; 8:45 am]

BILLING CODE 3510-DS-M

Exporters' Textile Advisory Committee; Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on June 24, 1986 at 2:30 P.M. to 4:30 P.M., in Room 406 of the Princeton Club, 15 West 43rd Street, New York City. The Committee provides advice about ways to promote increased exports in U.S. textiles and apparel.

Agenda: Review of export data; report on conditions in the export market; recent foreign restrictions affecting

textiles; export expansion activities; and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact Helen LaGrande (202) 377-3737.

Dated: May 20, 1986.

William H. Houston III,
Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 86-11900 Filed 5-27-86; 8:45 am]
BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene separate public meetings of its Mackerel Management and Swordfish Management Committees as follows:

Mackerel Management Committee will convene June 10-11, 1986, to discuss development of the Mackerel Fishery Management Plan (FMP) Amendment Options Paper for proposed amendments to the Mackerel FMP. The meeting will be held in the Gulf of Mexico Fishery Management Council's conference room, Suite 881, Lincoln Center, 5401 West Kennedy Boulevard, Tampa, FL; telephone: (813) 228-2815.

Swordfish Management Committee will convene June 17, 1986, to review data and conclusions of the Swordfish Working Panel and to recommend to the South Atlantic Fishery Management Council, on behalf of the Gulf of Mexico Council, a seasonal closure and other actions to protect undersized swordfish in the Gulf of Mexico. The meeting will be held at the Holiday Inn, Route 9, Highway 49 and I-10, Gulfport, MS.

FOR FURTHER INFORMATION CONTACT: Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: May 21, 1986.

Richard B. Roe, Director,
Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-11904 Filed 5-27-86; 8:45 am]
BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council and its Committees will convene public meetings at the Holiday Inn, 495 Brickell Avenue, Miami, FL, as follows:

Council will review the Mackerel Fishery Management Plan (FMP) Amendment Options Paper; review public comment and take final action on the Spiny Lobster FMP, amendment as well as discuss federal and state management of the red drum fishery; will convene July 9 and 10, 1986, at 8:30 a.m. and recess at 5 p.m., both days; reconvene July 11, at 8:30 a.m. and adjourn at noon.

Committees will convene July 7, at 1 p.m. with an Intercouncil (Gulf of Mexico and South Atlantic Fishery Management Councils) Spiny Lobster Management Committee meeting, and recess at 5 p.m.; reconvene July 8 at 8 a.m. and adjourn at noon.

Subsequent to the above Intercouncil Spiny Lobster Management Committee meeting, other Council Committees also will convene: Budget Committee from 1 p.m. to 3 p.m.; Reef Fish Committee from 3 p.m. to 3:30 p.m., and the Mackerel Management Committee, from 3 p.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Wayne E. Swingle, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: May 21, 1986.

Richard B. Roe,
Director, Office of Fisheries Management,
National Marine Fisheries Service.

[FR Doc. 86-11905 Filed 5-27-86; 8:45 am]
BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Anchovy Advisory Subpanel and Anchovy Plan Development Team will convene jointly a public meeting at 10 a.m., June 13, 1986, at the Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA, to discuss the 1986 anchovy spawning biomass and fishing quotas which may be derived from it. For further information contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 221-6552.

Dated: May 21, 1986.

Richard B. Roe,
Director, Office of Fisheries Management,
National Marine Fisheries Service.

[FR Doc. 86-11906 Filed 5-27-86; 8:45 am]
BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limit for Certain Apparel Products From the Democratic Socialist Republic of Sri Lanka

Correction

In FR Doc. 86-11102, beginning on page 18015, in the issue of Friday, May 16, 1986, make the following correction:

On page 18016, first column, second paragraph, first line, "May 29, 1986" should read "May 19, 1986".

BILLING CODE 1505-01-M

Export Visa for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

May 22, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below the Commissioner of Customs to be effective on May 29, 1986. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce (202) 377-4212.

Background

A CITA directive dated May 27, 1983 (48 FR 25257), as amended, established a new export visa requirement and exempt certification for certain cotton textiles and cotton textile products and man-made fiber work gloves in Category 631 pt. (only TSUSA numbers 704.3215, 704.8525, 704.8550, and 704.9000), produced or manufactured in Pakistan. The Governments of the United States and Pakistan have exchanged letters further amending the visa arrangement, effective on May 29, 1986, to provide for the use of a new visa form, which will be the Special Customs Invoice Form 5515, printed on green guilloche patterned background paper for merchandise exported on and after December 31, 1985.

The visa and certification stamps are not being changed at this time. In the following letter, the Chairman of CITA

directs the Commissioner of Customs to permit entry of the previously designated cotton and man-made fiber textile products visaed using the new form.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the implementation of textile agreements

May 22, 1986.

Commissioner of Customs

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of May 27, 1983, as amended, which established an export visa requirement for certain cotton and man-made fiber textile products, produced or manufactured in Pakistan.

Effective on May 29, 1986, the Government of Pakistan will use a new visa form which will be the Special Customs Invoice Form 5515, printed on green guilloche patterned background paper for merchandise currently subject to the export visa requirement, exported on and after December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11908 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-DR-M

Export Visa Requirement for Additional Cotton and Wool Textile Products Produced or Manufactured in the Republic of Uruguay

May 22, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 1, 1986. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

Effective on June 1, 1986, pursuant to the terms of the visa and exempt certification mechanism established under the Bilateral Textile Agreement of December 30, 1983 and January 23, 1984, between the Governments of the United States and the Republic of Uruguay, as amended, export visas will be required for women's, girls' and infants' cotton

coats in Category 335, men's and boys' wool coats in Categories 433 and 434, and wool skirts in Category 442, in addition to those categories previously designated, e.g., Categories 410, 435 and 444. (See 50 FR 6232.) The new requirement will be effective for goods in the foregoing categories, exported on and after June 1, 1986. Textile products in these categories, exported before June 1, 1986, will not be denied entry, or withdrawal from warehouse for consumption in the United States for lack of a visa.

The visa stamp and officials authorized to issue visas for the Government of the Republic of Uruguay are not being changed at this time.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 22, 1986.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of February 8, 1985, which directed you to prohibit entry of certain specified categories of wool textile products, produced or manufactured in Uruguay and exported on and after January 1, 1985.

Effective on June 1, 1986, the directive of February 8, 1985 is hereby amended to require export visas for cotton and wool textile products in Categories 335, 433, 434, and 442, produced or manufactured in Uruguay and exported on and after June 1, 1986. Merchandise in these categories which has been exported before June 1, 1986 shall not be denied entry for lack of a visa.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11909 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With Czechoslovakia Concerning Category 443

May 22, 1986.

On April 29, 1986, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles and the Agreement Regarding Trade in Textiles and Consultations on Market Disruption of March 22 and March 28, 1977, requested consultations with the Government of the Czechoslovak Socialist Republic concerning exports to the United States of men's and boys' wool suits in Category 443, produced or manufactured in Czechoslovakia.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with Czechoslovakia, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of such products, produced or manufactured in Czechoslovakia and exported to the United States during the twelve-month period which began on April 29, 1986 and extends through April 28, 1987 at a level of 4,401 dozen.

A summary market statement concerning this category follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 443 or on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly.

Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect to the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

William H. Houston III,
Chairman, Committee for the Implementation of Textile Agreements.

Czechoslovakia—

Market Statement—Category 443—Men's and Boys' Wool Suits

April 1986.

Summary and Conclusions

U.S. imports of Category 443 from Czechoslovakia were 5,039 dozens during year-ending February 1986, almost three times the number imported in year-ending February 1985.

The substantial increase of low-valued Category 443 imports from Czechoslovakia is contributing to the disruption of the U.S. market for men's and boys' wool suits.

U.S. Production and Market

U.S. production of wool suits declined 9 percent between 1981 and 1983. Production rose slightly in 1984 to 285,000 dozens, but remained 3,000 dozens below the level of 1981. Production data for 1985 are not currently available, however industry sources estimate a substantial decline in production.

During the 1981-1984 period, the market for men's and boys' wool suits expanded by 84,000 dozens. However, the U.S. producers' share of the market steadily eroded. In 1981, the domestic share accounted for 71 percent of the market, but by 1984 their share had dropped to 58 percent.

U.S. Imports and Import Penetration

U.S. imports of Category 443 grew from 115,000 dozens in 1981 to 202,000 dozens in 1984, a 76 percent increase. Imports continued to grow in 1985, increasing 4 percent to 209,000 dozens. The ratio of imports to domestic production rose from 40 percent in 1981 to 71 percent in 1984.

Import and Domestic Values

Approximately 96 percent of Czechoslovakia's 1985 imports of Category 443 entered under TSUSA No. 381.8359 (previously 379.8359)—men's and boys' wool suits over 4 U.S. dollars per pound, not knit or ornamented. These garments enter the U.S. at landed duty-paid values below the U.S. producers' price for comparable items.

[FR Doc. 86-11910 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of Japan To Review Trade in Categories 314, 341/361 and 613

May 22, 1986.

On April 30, 1986, the Government of the United States, under Article 3 of the

Arrangement Regarding International Trade in Textiles, requested consultations with the Government of Japan with respect to cotton poplin and broadcloth in Category 314, women's girls' and infants' cotton and man-made fiber woven blouses and shirts in Category 341/641, and spun noncellulosic fabric in Category 613, produced or manufactured in Japan.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 314, 341/641 and 613, produced or manufactured in Japan and exported to the United States during the twelve-month period which began on April 30, 1986 and extends through April 29, 1987 of 17,389,414 square yards (Category 314), 466,528 dozen (Category 341/641), and 16,952,308 square yards (Category 613).

Summary market statements concerning these categories follow this notice.

Anyone wishing to comment or provide data or information regarding the treatment of these categories, or to comment on domestic production of availability of textile products included in the categories, is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements.

International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating

to matters which constitute "a foreign affairs function of the United States."

William H. Houston III,
Chairman, Committee for the Implementation of Textile Agreements.

Japan—Market Statement

Category 314—Cotton Poplin and Broadcloth
April 1986.

Summary and Conclusions

United States imports of cotton poplin and broadcloth—Category 314—from Japan were 18.5 million yards for the year ending February 1986. This compares with 17.5 million yards for the same period one year earlier. Japan was the largest supplier, accounting for 23.7 percent of the YE February 1986 imports.

The market for Category 314 is being disrupted by imports and imports from Japan contributed to the market disruption. Continuation of the growth of imports from Japan would further the disruption.

Production and Market Share

U.S. production of cotton poplin and broadcloth continued its sharp decline from its 1983 level. Production in 1984 declined 10.3 percent from its 1983 level and experienced an additional 12.5 percent decline in 1985.

The U.S. producers share of the market for domestically produced and imported fabric dropped from 63 percent in 1983 to 50 in 1984 percent. The domestic producers market share in 1985 was further reduced and represented only 48 percent.

Imports and Import Penetration

U.S. imports of Category 314 from all sources attained their highest levels ever in 1984 and 1985 at 73.4 and 71.2 million square yards, respectively. The 1985 level was 45 percent above the 1983 level. Imports continued reaching record levels increasing to 77.9 million square yards for year ending February 1986.

The ratio of imports to domestic production increased from 59.7 percent in 1983 to 99.4 percent in 1984, and reached 110.1 percent in 1985.

Import Values

Approximately 55 percent of Japan's Category 314 imports are entered under TSUSA's 322.2923, 322.3923, and 322.4923. These are cotton colored poplin/broadcloth not over 5.9 oz. per square yard of 20 to 40 yarn count. The landed duty-paid import values of these fabrics from Japan are near those of other low cost major suppliers.

Japan—Market Statement

Categories 341/641—WGI Cotton and Man-made Fiber Woven Blouses

April 1986.

Summary and Conclusions

U.S. imports of categories 341/641 from Japan were 489,000 dozens during year-ending February 1986, 32 percent greater than the 371,000 dozens imported during year-ending February, 1985. Full year 1985 imports

from Japan totaled 426,000 dozens, compared with 379,000 dozens in 1984.

The sharp and substantial increase of low valued categories 341/641 imports from Japan are disrupting the U.S. market for WGI cotton and man-made fiber woven blouses.

U.S. Production and Market Share

After rising in 1983, U.S. production declined 7 percent in 1984 to 25.8 million dozens.

Industry sources have indicated that production continued to fall in 1985. U.S. production worker employment in the women's, misses', and juniors' blouse manufacturing industry declined 4.5 percent in 1985.

Between 1982 and 1984 the U.S. market expanded by 5.6 million dozen. However, the U.S. producers' share of the market declined from 67 percent in 1982 to 61 percent in 1984.

U.S. Imports and Import Penetration

U.S. imports of Categories 341/641 increased 36 percent between 1982 and 1984. Imports continued to increase in 1985, rising an additional 27 percent to 20.7 million dozens. The import to production ratio correspondingly rose from 49 percent in 1982 to 64 percent in 1984.

Duty-Paid Values and U.S. Producer Price

Approximately 79 percent of the recent Categories 341/641 imports from Japan entered under the following two TSUSA Numbers: (Category 341) 384.4609—women's other cotton blouses, not knit, not ornamented, nspf; (Category 641) 384.9115—women's man-made fiber blouses and shirts, not knit, not ornamented. These garments entered the U.S. at landed, duty-paid values below U.S. producers' prices for comparable garments.

Japan—Market Statement

Category 613—Spun Noncellulosic Fabrics
April 1986.

Summary and Conclusions

U.S. imports of Category 613 from Japan were 17.1 million square yards during year ending February 1986, up 12.8 percent from a year earlier. Over a third of the imports from Japan were lightweight, plainweave polyester/cotton fabrics. These Japanese imports increased 48 percent during the year ending February 1986. In 1985, the lightweight plainweave polyester/cotton fabric portion of Category 613 has a ratio of imports to domestic production of 197.1 percent. For the entire Category 613, domestic production declined over 30 percent in 1985 and imports equaled about 4 percent of U.S. production.

The substantial increase in imports of Category 613 from Japan disrupted the U.S. market for such fabrics.

Production

U.S. production of Category 613 increased in 1984 but dropped sharply in 1985. Market conditions during the last half of 1985 were slack. Production in the third and fourth quarters of 1985 for both the category as a whole and lightweight plain weave polyester/cotton fabric were well below comparable period 1984 production.

Domestic production of lightweight, plainweave polyester/cotton fabric declined 34 percent in 1985.

Imports

U.S. imports of Category 613 increased sharply over the 1983/1985 period, rising from 104 million square yards to 189 million square yards.

Imports of lightweight plainweave polyester/cotton fabrics increased from 89 million square yards in 1984 to 116 million in 1985. These imports were equal to domestic production in 1984 and nearly double 1985 domestic production.

Import Penetration

The ratio of imports to domestic production for Category 613 doubled over a two year period, rising from 1.9 percent in 1983 to 3.9 percent in 1985. The imports of lightweight plainweave polyester/cotton fabrics were nearly equal to domestic production in 1984 and nearly double the 1985 production.

Import Values and U.S. Producer Prices

Japan is a low cost supplier of Category 613 fabrics. TSUSA Numbers 338.5942 and 338.5943 are typical lightweight polyester/cotton plainweave fabrics imported from Japan. The duty-paid import value of these fabrics from Japan are near those of other low-cost major suppliers.

[FR Doc. 86-11911 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of Sri Lanka To Review Trade in Category 644

May 22, 1986.

On April 29, 1986, the Government of the United States requested consultations with the Government of Sri Lanka with respect to man-made fiber textile products in Category 644 (women's, girls' and infants' suits). This request was made on the basis of the agreement between the Governments of the United States and Sri Lanka of May 10, 1983, as amended, relating to trade in cotton, wool and man-made fiber textile products. The agreement provides for consultations when imports, due to market disruption, or the threat thereof, threaten to impede the orderly development of trade between the two countries.

The Government of the United States has decided, pending a mutually satisfactory solution, to control imports in Category 644 exported during the 90-day consultation period which began on April 29, 1986 and extends through July 27, 1986 at the prescribed limit of 4,332 dozen.

According to the terms of the bilateral agreement, if no mutually satisfactory solution is reached during consultations, the United States may establish a

prorated specific limit covering the current agreement year, which ends May 31, 1986. According to the terms of the bilateral agreement, if no solution is reached during consultations, the United States also may establish a twelve month specific limit covering the subsequent agreement year.

In the event the limit established for the ninety-day period is exceeded, such excess amount, if allowed to enter, may be charged to the limit established during the subsequent restraint period.

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of Sri Lanka, further notice will be published in the **Federal Register**.

A summary market statement for this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

Anyone wishing to comment or provide data or information regarding the treatment of Category 644 under the agreement with Sri Lanka, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William H. Houston III,
Chairman, Committee for the Implementation of Textile Agreements.

Sri Lanka—Market Statement

Category 644—WGI Man-made Fiber Suits
April 1986.

Summary and Conclusions

U.S. imports of Category 644 from Sri Lanka were 16,000 dozens during year-ending February 1986, a four fold increase over the number imported in year-ending February, 1985. During the first two months of 1986, 6,000 dozens were imported, compared with zero trade for the same period in 1985.

The rapid increase of Category 644 imports from Sri Lanka is contributing to the disruption of the WGI man-made fiber suit market.

U.S. Production and Market Share

U.S. production of Category 644 has steadily declined. In 1984, production fell 5 percent from 890,000 dozens to 850,000 dozens. This trend continued into 1984 declining another 18 percent to 695,000 dozens.

After expanding by 136,000 dozens in 1983, the U.S. market for WGI man-made fiber suits declined by 113,000 dozens in 1984. The U.S. producers' share of this market shrunk in both years from 79 percent in 1982 to 67 percent in 1983 to 60 percent in 1984.

U.S. Imports and Import Penetration

U.S. imports of Category 644 increased 21 percent from 394,000 dozens during year-ending February, 1985 to 478,000 dozens during year-ending February, 1986. During the first two months of 1986, world imports were 130,000 dozens, 71 percent greater than in the same period a year earlier. The import to production ratio increased from 27.1 percent in 1982 to 66.0 percent in 1984.

Domestic and Import Values

Approximately 80 percent of Category 644 imports from Sri Lanka entered under TSUSA No. 384.9162 (previously 383.9062)—women's, girls' and infants' and other man-made fiber suits, not knit, not ornamented. These garments entered the U.S. at landed, duty-paid values below U.S. producers' prices for comparable items.

Committee for the Implementation of Textile Agreements

May 22, 1986.

Commissioner of Customs,
Department of the Treasury, Washington,
D.C. 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983, as amended, between the Governments of the United States and Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 29, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 644, produced or manufactured in Sri Lanka and exported during the ninety-day period which began on April 29, 1986 and extends through July 27, 1986, in excess of the following limit:

Category	90 day limit ¹
644	4,332 dozen.

¹ The limit has not been adjusted to account for any imports exported after April 28, 1986.

Textile products in Category 644 which have been exported to the United States prior to April 29, 1986 shall not be subject to this directive.

Textile products in Category 644 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William H. Houston III,
Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11912 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consultations With the Government of Turkey on Categories 341 and 369-S

May 22, 1986.

On April 28, 1986, the United States Government, under Article 3 of the Arrangement Regarding International Trade in Textiles, requested the Government of Turkey to enter into consultations concerning exports to the United States of women's, girls' and infants' cotton blouses in Category 341 and cotton shop towels in Category 369-S (T.S.U.S.A. 366.2840), produced or manufactured in Turkey.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with Turkey the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of women's, girls' and infants' cotton blouses in Category 341 and cotton shop towels in Category 369-S, produced or manufactured in Turkey and exported to the United States during the twelve-month period which began on April 28, 1986 and extends through April 27, 1987 at levels of 311,376 dozen (Category 341) and 971,962 pounds (Category 369-S).

Summary market statements for these categories follow this notice.

Anyone wishing to comment or provide data or information regarding the treatment of these categories is invited to submit such comments or information in ten copies to Mr. William H. Houston III, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textile and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any aspect of the exemption contained in 5 U.S.C. 553(a)(1) relating

to matters which constitute "a foreign affairs function of the United States."

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Turkey—Market Statement

Category 341—WGI Cotton Woven Blouses
April 1986

Summary and Conclusion

U.S. imports of Category 341 from Turkey were 342,353 dozens during year-ending February 1986, more than four times the number imported in year-ending February 1985. During calendar year 1985, 251,689 dozens were imported from Turkey, compared to 46,308 a year earlier.

The sharp and substantial increase of low-valued Category 341 imports from Turkey is disrupting the U.S. market for WGI cotton woven blouses. Category 341 imports from Turkey must be controlled before further injury is sustained.

U.S. Production and Market Share

After rising in 1982 and 1983, U.S. production leveled off in 1984 at 7,050,000 dozens, only 2 percent above the 1983 level. Between 1982 and 1984, the market for WGI cotton blouses grew by 3,986,000 dozens, however, the U.S. producers' share of this market dropped from 46 percent to 42 percent as imports grew faster.

U.S. Cutting Data

Production data for 1985 are not currently available, however, government cuttings data are reported. These data show cuttings of women's blouses¹ down 16 percent in 1985 compared to the previous year.

Employment Data

Government sources report that in 1985, total employment in the women's and misses' blouse and waist industries (SIC 2331) fell 2.6 percent. The decline in production worker employment was more severe, 4.3 percent, and the average manhours worked fell 4.0 percent.

U.S. Imports and Import Penetration

U.S. imports of Category 341 increased 41 percent between 1982 and 1984, rising from 6,852,000 dozens to 9,628,000 dozens. This upward trend continued into 1985 as imports reached 11,376,000 dozens, an 18 percent increase over the 1984 level. The import to production ratio increased from 117 percent in 1982 to 137 percent in 1984.

Duty-Paid Value and U.S. Producer Price

Approximately 72 percent of Category 341 imports from Turkey during 1985 entered under TSUSA No. 384.4609 (previously 383.4709)—women's other cotton woven

blouses, not ornamented. These garments entered at landed, duty-paid values below U.S. producers' prices for comparable blouses.

Turkey—Market Statement

Category 369 Part—Cotton Shop Towels
April 1986.

Summary and Conclusions

During the first two months of 1986, U.S. imports of cotton shop towels—Category 369 Pt.—from Turkey were 386,000 pounds. This was more than half the amount imported from Turkey in calendar year 1985. This is a sharp and substantial increase of imports in a sector already adversely affected by imports. Turkey was the largest supplier of cotton shop towels, accounting for 28 percent of the total imports in 1986.

U.S. Market

The U.S. cotton shop towel market is adversely affected by imports. The U.S. producer's share of the market for domestically produced and imported cotton shop towels in 1985 was 48 percent compared with 59 percent in 1981. The U.S. market for shop towels was disrupted by imports in 1985. The market continues to be disrupted by imports in 1986 and Turkey's position as a major supplier of these towels makes it a major contributor to the market disruption.

U.S. Production

U.S. production of cotton shop towels declined from 162 million units in 1981 to 126 million units in the 1982 recession year, a decrease of 22 percent. Production regained some of the loss in 1983 and 1984, reaching a level of 138 million units in 1984, up 10 percent over the 1981 recession level, but 15 percent below the 1982 level and lower than any level on record prior to 1982. Production in 1985 was 131 million units, down 5 percent from 1984.

U.S. Imports

U.S. imports of Category 369 Pt., after remaining relatively flat at 94 million units during 1982 and 1983 due in part to the soft domestic market and the antidumping and countervailing duty actions initiated by the United States with specific major suppliers, increased substantially in 1984. Imports in 1984 soared to a record high of 158 million units. Although imports in 1985 were down, due to the imposition of limits on two major suppliers, import penetration continues at the same high rate as in 1984.

Import Penetration

The ratio of imports to domestic production increased from 69 percent in 1982 to 106 percent in 1985.

Import Value

Imports from Turkey are entered under TSUSA No. 366.2740-cotton shop towels, other than pile or tuft construction. The duty-paid landed value of these imports from

Turkey are below the U.S. producer price for comparable towels.

[FR Doc. 86-11913 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-DR-M

Import Limits for Certain Cotton and Man-Made Fiber Apparel Products Exported From the Dominican Republic

May 22, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 1, 1986. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1983 between the Governments of the United States and the Dominican Republic establishes specific limits for Categories 340 (men's and boys' woven cotton shirts), 351 (pajamas and other nightwear), 639 (women's, girls, and infants' knit shirts of man-made fibers), 644 (women's, girls' and infants' suits of man-made fibers), and 649 (brassieres of man-made fibers), exported during the agreement year beginning on June 1, 1986 and extending through May 31, 1987. The following letter directs the Commissioner of Customs to prohibit entry for consumption and withdrawal from warehouse for consumption in the United States of textile products in the forgoing categories in excess of the designated restraint limits.

A description of the textile categories in terms of T.S.U.S.A. members was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to

¹ Cuttings data are for cotton, wool and man-made fiber blouses and include both wovens and knits, excluding knit tops.

assist only in the implementation of certain of its provisions.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 22, 1986.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1983, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 1, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340, 351, 639, 644, and 649, produced or manufactured in the Dominican Republic and exported during the twelve-month period beginning on June 1, 1986 and extending through May 31, 1987, in excess of the following restraint limits:

Category	12-mo. limit ¹
340.....	196,007 dozen.
351.....	455,716 dozen.
639.....	442,241 dozen.
644.....	49,231 dozen.
649.....	2,266,330 dozen.

¹ The restraint limits have not been adjusted to reflect any imports exported after May 31, 1986.

In carrying out this directive, entries of textile products in the foregoing categories, produced or manufactured in the Dominican Republic, which have been exported to the United States during the period which began on June 1, 1985 and extended through May 31, 1986, shall, to the extent of any unfilled balances, be charged against the restraint limits established for such goods during that twelve-month period. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this letter.

The limits set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1983, between the Governments of the United States and the Dominican Republic which provide, in part, that: (1) Specific limits may be exceeded by designated percentages to account for swing, provided that an equal amount in equivalent square yards is deducted from another specific limit; and (2) specific limits may also be increased for carryover and carryforward. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in

the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983, (48 FR 57584), April 4, 1984, (49 FR 13397), June 28, 1984, (49 FR 26622), July 16, 1984, (49 FR 28754), November 9, 1984, (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11919 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-CR-M

Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products, Produced or Manufactured in Sri Lanka

May 22, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on June 1, 1986. For further information contact Nathaniel Cohen, Trade Reference Assistant, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

Background

The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983, between the Governments of the United States and Sri Lanka establishes specific restraint limits for cotton and man-made fiber gloves and mittens in Categories 331 and 631, men's other coats of cotton and man-made fibers in Categories 334 and 634, women's, girls' and infants' cotton and man-made fiber coats in Categories 335 and 635, cotton dresses in Category 336, cotton playsuits in Category 337, cotton knit skirts in Categories 338 and 339, woven shirts and blouses of cotton and man-made fibers in Categories 340, 341, 640 and 641, cotton skirts in Category 342, cotton and man-made fiber trousers in Categories 347, 348, 647, and 648, cotton towels in Category 363, shop towels in Category 369pt. (T.S.U.S.A. number 366.2840), and wool and man-made fiber sweaters in Categories 445/

446 and 645/646, produced or manufactured in Sri Lanka and exported to the United States during the twelve-month period beginning on June 1, 1986 and extending through May 31, 1987. The limit for Category 341 has been reduced by 29,732 dozen to account for carryforward used in the previous agreement year.

The agreement also provides a consultation mechanism for categories of textile products which are not subject to specific ceilings and for which levels may be established during the year upon agreement between the two governments.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Sri Lanka and exported during the twelve-month period beginning on June 1, 1986, in excess of the designated restraint limits.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended in April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 22, 1986.

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Agreement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 10, 1983, between the

Governments of the United States and Sri Lanka; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 1, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories produced or manufactured in Sri Lanka and exported during the twelve-month period beginning on June 1, 1986, and extending through May 31, 1987, in excess of the indicated restraint limits:

Category	12-month limit
331.....	1,021,332 dozen pairs.
334.....	199,084 dozen.
335.....	145,904 dozen.
336.....	67,416 dozen.
337.....	112,360 dozen.
338.....	245,920 dozen.
339.....	424,002 dozen.
340.....	524,984 dozen.
341.....	495,524 dozen.
342.....	190,800 dozen.
347.....	393,553 dozen.
348.....	291,810 dozen.
363.....	6,360,000 numbers.
369pt. ¹	847,756 pounds.
445/446.....	93,072 dozen.
631.....	309,664 dozen pairs.
634.....	119,102 dozen.
635.....	196,518 dozen.
640.....	102,406 dozen.
641.....	525,256 dozen.
645/646.....	107,191 dozen of which not more than 71,461 dozen shall be in Category 646.
647.....	376,300 dozen.
648.....	178,652 dozen.

¹ In Category 369, only TSUSA number 366.2840.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Sri Lanka, and exported during the period that ends on May 31, 1986, shall, to the extent of any unfilled balances, be charged to the levels of restraint established for such goods during that period. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The limits set forth above are subject to the adjustment in the future according to the provisions of the bilateral agreement of May 10, 1983 between the Governments of the United States and Sri Lanka, which provide, in part, that (1) any specific limits and sublimit may be exceeded by designated percentages of the square yards equivalent total in any agreement period, provided that the amount of the increase is compensated for by an equivalent decrease in one or more other specific limits; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit or sublimit; however, carryover will not be available in the agreement period during which the specific limit is first established; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement, any of the adjustments referred to above, will be made to you by letter.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in

the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-11920 Filed 5-27-86; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

Interagency Committee on Cigarette and Little Cigar Fire Safety; Technical Study Group Meeting

AGENCY: Interagency Committee on Cigarette and Little Cigar Fire Safety, CPSC.

ACTION: Notice of meeting.

SUMMARY: The Technical Study Group on Cigarette and Little Cigar Fire Safety will meet on July 10 and 11, 1986, in Washington, DC, to review testing conducted by the National Bureau of Standards to measure ignition propensity of cigarettes; to discuss the status of the benefit-cost study; and to hear and discuss comments pertaining to implementation of the Cigarette Safety Act of 1984.

DATE: The meeting will be on July 10 and 11, 1986, from 9:30 a.m. to 5:00 p.m.

ADDRESS: The meeting will be in the Auditorium, first floor of the Hubert Humphrey Building, 200 Independence Avenue SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tawanna Segears, Office of Program Management, Consumer Product Safety Commission, Washington, DC, 20207; telephone: (301) 492-6554.

SUPPLEMENTARY INFORMATION: The Cigarette Safety Act of 1984 (Pub. L. 98-567, 98 Stat. 2925, October 30, 1984) created the Technical Study Group on Cigarette and Little Cigar Fire Safety to prepare a final technical report to Congress within 30 months concerning

the technical and commercial feasibility of developing cigarettes and little cigars with minimum propensity to ignite upholstered furniture and mattresses.

The Technical Study Group will meet on July 10 and 11, 1986, to discuss the following topics:

(1) The portion of the meeting to be held on July 10 will consist of a review of testing conducted by the National Bureau of Standards to measure ignition propensity of cigarettes. The Technical Study Group will also discuss the status of the benefit-cost analysis required by the Cigarette Safety Act, and other matters pertaining to implementation of the act.

The July 10 portion of meeting will be open to observation by members of the Public, but only members of the Technical Study Group may participate in the discussion.

(2) The portion of the meeting to be held on July 11, 1986 will be devoted to hearing from any member of the public who wishes to present information or views of the implementation of the Cigarette Safety Act. Examples of the kinds of information which might be presented by interested members of the public include presentations about patented inventions intended to reduce the potential hazard of cigarettes as a source of ignition of upholstered furniture and mattresses, and information about studies or research concerning cigarettes as a source of ignition. The presentation of information previously provided to the Technical Study Group, for example information provided to the Technical Study Group at its public meeting last year on July 11, 1985, should not be repeated due to time constraints.

Each person desiring to make a presentation should provide a brief summary to Colin Church, Consumer Product Safety Commission, Room 420, Washington, DC 20207 by July 1, 1986. Presentations will be limited to approximately 20 minutes. Additional restriction on the length of presentations may be imposed depending on the number of people who wish to speak. The Technical Study Group is neither soliciting nor expecting to discuss confidential business information.

Dated: May 22, 1986.

Colin B. Church,

Federal Employee Designated by the Interagency Committee on Cigarette and Little Cigar Fire Safety.

[FR Doc. 86-11918 Filed 5-27-86; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE**Department of the Air Force****Procurement; Air Force Activity for Conversion to Contract****ACTION: Notice.**

The Air Force recently determined that the Operations and Maintenance function of Class II and III Ranges at Cannon AFB, NM; England AFB, LA; Holloman AFB, NM; Mt Home AFB, ID; and Shaw AFB, SC will be converted to contract.

FOR FURTHER INFORMATION CONTACT:

HQ TAC Manpower Office, Langley AFB, VA, Mr. Ross Clark, (804) 764-5174/2722.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-11837 Filed 5-27-86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army**Army Science Board; Closed Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Wednesday, 18 June 1986.

Times of Meeting: 0800-1700 hours.

Places: R&D Associates, Marina Del Rey, CA.

Agenda: The Army Science Board AHSG on MICOM Lab Effectiveness Review will meet at R&D Associates for the purpose of finalizing the report covering the effectiveness review. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-11877 Filed 5-27-86; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: Wednesday and Thursday, 18-19 June 1986.

Times of Meeting: 0830-1630 hours.

Places: TRADOC Analysis Center, White Sands Missile Range, NM.

Agenda: The Army Science Board AHSG on Army Combat Models will meet for briefings by analytic agencies and government laboratories. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86-11878 Filed 5-27-86; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY**Alaska Power Administration****Snettisham Project; Proposal to Adjust Wholesale Power Rate**

AGENCY: Department of Energy, Alaska Power Administration.

ACTION: Notice of Proposal to Adjust Wholesale Power Rates Snettisham Project, Alaska.

SUMMARY: Proposal to adjust rate schedule SN-F2 increasing the energy rate from 25 mills per kilowatt-hour to approximately 29.3 mills per kilowatt-hour. Included in the proposal will be a new rate schedule SN-IN1, establishing a rate for interruptible energy at approximately 20 mills per kilowatt-hour. The proposed rates will be submitted to the Deputy Secretary of Energy for final approval from the Federal Energy Regulatory Commission.

DATES: Written comments will be considered for 90 days from the date of publication. Interim basis rates are expected to be in effect by October 1, 1986.

To Submit Written Comments or for Further Information Contact

Gordon Hallum, Chief, Power Division, Alaska Power Administration, Department of Energy, Room 825, Federal Building, P.O. Box 50, Juneau, AK 99802, (907) 586-7405

or
Darlene Low, Public Utilities Specialist, Alaska Power Administration, Department of Energy, Room 825, Federal Building, P.O. Box 50, Juneau, AK 99802, (907) 586-7405.

SUPPLEMENTARY INFORMATION:

Preliminary studies show that an increased rate is necessary to meet cost recovery criteria, including repayment of

deferred interest, and to offset inflation-related cost increases in O&M. The interruptible rate is being established as an incentive rate for conservation of fuel oils and efficient utilization of electric energy resources that would otherwise spill and be wasted during periods of surplus hydroelectric energy.

The Rate Proposal and supporting studies will be available June 15, 1986 in the Alaska Power Administration's headquarters office, Room 825, Federal Building, Juneau, Alaska.

Formal meetings with the utility customers will be scheduled for late June 1986. A public information and comment forum is scheduled for July 8, 1986, 7:30 p.m., Room 117, Federal Building, Juneau, Alaska.

All comments will be considered and the proposed rate may be revised on the basis of public input.

Dated: May 19, 1986.

Robert J. Cross,

Administrator.

[FR Doc. 86-11886 Filed 5-27-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-25-NG-]

Great Lakes Gas Transmission Co.; Application To Amend Authorization To Import and Export Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Application to Amend Authorization to Import and Export Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on April 10, 1986, of an application filed by Great Lakes Gas Transmission Company (Great Lakes) requesting an amendment to its natural gas import/export authorization granted by the ERA in Opinion and Orders No. 81 and 81-A issued May 9, 1985, and July 24, 1985, respectively. The amendment for which Great Lakes seeks approval would permit it to increase the volumes of natural gas it presently imports and exports for TransCanada Pipelines Limited (TransCanada) from 825,000 Mcf per day to 887,500 Mcf per day for a term ending November 1, 2005.

Great Lakes would import all of the volumes under the TransCanada contract at the U.S.-Canadian boundary near Emerson, Manitoba, Canada for transport from Minnesota to the U.S.-Canadian boundary near Sault Ste.

Marie and St. Clair, Michigan. There, the gas would be exported back into Canada for redelivery to TransCanada and its customers. None of the gas volumes, including the additional 62,500 Mcf in daily contract quantities Great Lakes requests to import and export, would be delivered to markets in the United States.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than 4:30 p.m., on June 27, 1986.

FOR FURTHER INFORMATION CONTACT:

Tom Dukes, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9590;

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines and Delegation Order No. 0204-111 (49 FR 6684, February 22, 1984). Parties that may oppose this application should demonstrate to the ERA that granting Great Lakes an authorization to import gas and export that some gas back into Canada without taking ownership to the gas would not be in the public interest.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene,

notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9478. They must be filed no later than 4:30 p.m., June 27, 1986.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Great Lakes' application is available for inspection and copying in the Natural Gas Division Docket Room GA-076, (202) 252-9478, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Issued in Washington, D.C., May 12, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-11865 Filed 5-27-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. RM95-1-172; RM95-1-173]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol; CLARCO Gas Company, Inc.; Order Granting Rehearing for Further Consideration

Issued May 22, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

Moody Gas Gathering System and Endeveco, Inc. have filed timely requests for rehearing of the order issued March 28, 1986, in *CLARCO Gas Company, Inc.*, 34 FERC ¶ 61,384. That order denied CLARCO's request for a waiver of certain of the transitional provisions of Order No. 436.¹ Rehearing is granted solely for the purpose of affording the Commission additional time to consider the requests for rehearing. Pursuant to Rule 713(b) of the Commission's procedural rules, no answer to this order, or to the requests for rehearing, will be entertained.

By the Commission.

Kenneth F. Plumb,
Secretary

[FR Doc. 86-11865 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket Nos. CI86-378-000 et al.]

Arkla, Inc. (Exploration and Production Division et al.) Applications for Blanket Abandonment and Blanket Certificates With Pre-Granted Abandonment

May 21, 1986.

Take notice that on April 23, 1986, as supplemented on April 30, 1986, the Exploration and Production Division of Arkla, Inc. (Arkla E & P) and Arkla Energy Marketing Company (AEM) (Applicants), P.O. Box 21734, Shreveport, Louisiana 71151, filed applications in Docket Nos. CI86-378-000 and CI86-397-000. In Docket No. CI86-397-000 Arkla E & P requests blanket authorization to abandon for an indefinite period certain of its obligations to supply gas from company-owned reserves dedicated to the system supply of Arkla Energy Resources, a division of Arkla, Inc., (AER), which gas is released by AER because it is in excess of quantities required from time to time by AER. All wells and properties

¹ FERC Statutes and Regulations, Regulations Preambles 1982-1985, ¶ 30,865 (1985), 50 FR 42,208 (October 18, 1985).

subject to this applications are listed in the attached Exhibits A and B. In Docket No. CI86-378-000 Arkla E & P and AEM request blanket certificates with pre-granted abandonment for resale of the released gas. AEM is a wholly-owned subsidiary of Arkla, Inc.

Applicants state that Arkla E & P expects to be restricted due to depressed market conditions from being able to produce for delivery to AER any more than 15% of current total deliverability for at least the next year. Such reduced production it is averred will cause loss of cash-flow and potential permanent loss of certain reserves through drainage and engineering problems such as "trapping" of gas in partial water-drive reservoirs.

Applicants requests authorization pursuant to a December 31, 1985, amendment to a February 27, 1985, intracompany operating agreement between AER's production division and AER's pipeline division whereby the pipeline division released gas in excess of its system supply requirements, provided such gas in priced in excess of the replacement cost of gas available on AER's system, for a primary period extending through December 31, 1986, and continuing on a month-to-month basis until terminated by either party. The December 31, 1985, amendment provides that the production division in return has agreed to release the pipeline division from take-or-pay liabilities, credit released gas sold to a third party against future take-or-pay obligations and insert market responsive pricing provisions in the February 27, 1985, intracompany operating agreement to the extent not previously provided. Such provisions include a ceiling of \$2.35 MMBtu through December 31, 1986, with periodic renegotiations at six-month intervals.

Arkla E & P states that it intends to sell released gas to AEM or other purchasers. Arkla E & P further states that AER has reserved the right to recall supplies needed to meet system requirements.

If the Commission issues certificates to other natural gas companies authorizing blanket interstate transportation of gas abandoned under similar programs, Applicants request blanket certificate authorization with pre-granted abandonment for transportation by interstate pipelines of the subject released gas.

Waiver of Parts 154 and 271 of the Commission's regulations is requested so Applicants will not be required to file and maintain rate schedules for the sales of released gas but prices will not exceed applicable maximum lawful prices.

Exhibits to the applications indicate the gas involved is priced under NGPA section 104, 108 or 109 (see Exhibits A and B attached hereto).¹ Applicants state that since it is not absolutely clear whether pipeline production which was consumed in the state of production as of November 8, 1978, but is currently flowing across state lines, is subject to the abandonment requirements of the NGA, such gas has been included in this application.

If the Commission desires, Applicants state they will file quarterly reports detailing the transactions.

The circumstances presented in the applications meet the criteria for consideration on an expedited basis, pursuant to section 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before 15 days after the date of publication of this notice in the *Federal Register*, file with the Federal Energy Regulatory Commission, Washington, DC, 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to the proceedings herein must file petitions to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11891 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. FA84-13-001]

Canal Electric Co. Order Establishing Hearing Procedures

Issued: May 21, 1986.

¹ These exhibits are not being published in the *Federal Register* but are available from the Commission's Division of Public Information. Exhibit A is 19 pages and Exhibit B is 12 pages.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Under the Federal Power Act (Act) every public utility or licensee must keep such accounts, records of cost-accounting procedures, and any other records as the Commission may prescribe as necessary or appropriate for the administration of the Act. The Commission, after notice and opportunity for hearing, may determine by order the accounts in which particular outlays and receipts shall be entered, charged, or credited.

Commission staff (staff) recently performed an audit of Canal Electric Company (Canal). In a letter order issued February 28, 1986,¹ the Commission noted that Canal had not agreed to adopt the recommendations relating to the staff's determination that Canal had overcapitalized the allowance for funds used during construction (AFUDC) applicable to its ownership interest in the Seabrook Nuclear Station. Staff's position, as stated in the letter order, is that the overcapitalization results from Canal's failure to reduce its AFUDC base by construction related deferred income taxes not deducted from rate base.

The letter order requested Canal to notify the Commission within 30 days as to whether it would consent to disposition of the contested accounting matter in accordance with the shortened procedure set forth in Part 41, of the Commission's regulations. Under the shortened procedure, the Commission would rule on the matter solely on pleadings submitted by interested parties and staff. By letter dated March 26, 1986, Canal notified the Commission that it did not consent to the use of the shortened procedure. Consequently, we now set these matters for hearing.

Any interested person seeking to participate in this docket shall file a motion to intervene under Rule 214 of the Commission's rule of practice and procedure (18 CFR 385.214) no later than 15 days after the date of publication of this order in the *Federal Register*.

The Commission orders:

(A) Pursuant to the provisions of the Federal Power Act, particularly section 301 thereof, and pursuant to the Commission's regulations thereunder, a public hearing shall be held concerning the appropriateness of Canal's accounting as discussed above.

(B) A Presiding Administration Law Judge, to be designated by the Chief Administrative Law Judge, shall

¹ 34 FERC ¶ 61,305 (1986).

convene a conference in this proceeding, to be held within 30 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on motions as provided in the Commission's regulations.

(C) Secretary shall promptly publish this Order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11892 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ES86-43-000 et al.]

Electric Rate and Corporate Regulation Filings; Centel Corporation et al.

Take notice that the following filings have been made with the Commission:

1. Centel Corporation

[Docket No. ES86-43-000]

May 21, 1986.

Take notice that on May 16, 1986, Centel Corporation (Applicant), filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act (ACT), seeking an Order authorizing the issuance of up to \$80,000,000 aggregate principal amount of unsecured notes or debentures.

Comment date: June 5, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Citizens Utilities Company

[Docket No. ES86-42-000]

May 21, 1986.

Take notice that on May 14, 1986, Citizens Utilities Company (Applicant), filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act (ACT), authorizing the issuance of not more than \$50,000,000 of First Mortgage Bonds and Collateral Trust Bonds, and request exemption from compliance with competitive bidding requirements.

Comment date: June 6, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Pacific Gas & Electric Company

[Docket No. ES86-484-000]

May 20, 1986.

Take notice that on May 14, 1986, Pacific Gas and Electric Company (PG and E) tendered for filing actual 1983

and 1984 thermal capacity charges in response to a request by the Commission for actual 1983, 1984 and 1985 thermal capacity charges accompanied by appropriate data and the charges. PG and E said the 1985 actual thermal capacity charge is not currently available pending completion of the 1985 study to determine PG and E's cost of thermal electric capacity (\$/kW-mo). PG and E said as soon as the study is completed, the actual charge and cost computation will be sent.

Comment date: June 2, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. South Carolina Electric & Gas Company

[Docket No. ES86-485-000]

May 20, 1986.

Take notice that South Carolina Electric & Gas Company on May 14, 1986, tendered for filing proposed cancellation of its Rate Schedule 36 (FERC).

Under the proposal, South Carolina Electric & Gas Company Rate Schedule 36 (FERC), contract between South Carolina Electric & Gas Company and Savannah Electric Power Company for purchase of 50 megawatts of capacity and associated energy effective June 28, 1984, is to be cancelled effective May 31, 1985.

Copies of this filing were served upon Savannah Electric Power Company.

Comment date: June 2, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11887 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER86-368-000]

Electric Rates: El Paso Electric Co.; Order Accepting for Filing and Suspending Rates in Part, Granting Motion To Reject, Noting Interventions, Ordering Summary Disposition in Part, and Establishing Hearing and Price Squeeze Procedures; Mobile-Sierra

Issued: May 22, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

On March 26, 1986, El Paso Electric Company (EPE) tendered for filing a proposed two-phase increase in its rates to one full requirements customer, Rio Grande Electric Cooperative, Inc. (Rio Grande), and two partial requirements customers, Texas-New Mexico Power Company (TNP) and Imperial Irrigation District (Imperial).¹ The proposed Phase I rates would increase revenues by approximately \$22 million (73%) based upon the calendar 1985 test period. The proposed Phase II rates would increase revenues by an additional \$10.2 million, for a total increase of approximately \$432.2 million (105.8%). EPE requests effective dates of May 26, 1986, for Phase I, and May 27, 1986, for Phase II. EPE further requests that if both phases are suspended for the same period, Phase I be deemed withdrawn.

Notice of EPE's filing was published in the Federal Register,² with comments due on or before April 11, 1986. Timely motions to intervene were filed by Rio Grande, TNP, and Imperial. In addition, the New Mexico Public Service Commission (New Mexico Commission) filed a timely notice of intervention.

Rio Grande requests that the filing be rejected on the grounds that it violates a settlement agreement between Rio Grande and EPE in two respects: first, that EPE has impermissibly included costs associated with Palo Verde Nuclear Generating Station Unit No. 2 (Palo Verde 2) period to commencement of the unit's commercial operation; and second, that the company has failed to advance some mechanism to "phase-in" the costs associated with the Palo Verde project. Rio Grande alternatively requests a five month suspension of the rates, that the issue of decommissioning the Palo Verde project be addressed in a separate proceeding, and that Rule 717 procedures not be instituted. Finally, Rio Grande requests that price squeeze procedures be instituted.

¹ See Attachment for rate schedule designations.

² 51 FR 11,971 (1986).

TNP requests that both phases be suspended for five months and that phased hearing procedures be developed, with the first phase expedited and devoted to developing a rate moderation or phase-in program. In support of this request, TNP alleges that EPE's proposed rate increase would result in a price squeeze and, further, would "wreak catastrophic adverse consequences" on the company and the local economy. TNP states that the bulk of its revenues are derived from power sales to copper mining companies, and that the copper industry is currently economically depressed. EPE's filing, TNP asserts, would only serve to make the situation worse.³

Imperial requests rejection of EPE's filing in light of three issues; alternatively Imperial seeks summary disposition as to these issues: depreciation rates, nuclear decommissioning costs, and the inclusion of a revenue shortfall provision in the company's tariff. Imperial further requests a five month suspension of the proposed rates.

The New Mexico Commission filed supplemental comments on May 8, 1986. It requests that both Phase I and Phase II be suspended for five months and that the filing be set for hearing. In support of this request, the New Mexico Commission argues that the proposed rate increase could have a devastating impact on New Mexico consumers and the State's economy. It also requests a phased hearing procedure, with the first phase devoted to the development of a rate moderation plan. In addition, Rio Grande, Imperial, TNP, and the New Mexico Commission raise a variety of cost of service and rate design issues.⁴

On April 28, 1986, EPE filed an answer. While not opposing the motions to intervene, EPE denies that a five month suspension is warranted. EPE asserts that many of the objections to the filing present questions of fact best resolved at hearing. The company opposes the motions to reject its filing or

to order summary disposition as to the three issues raised by Imperial. It also opposes Rio Grande's motion for rejection due to the absence of a phase-in plan for the costs of the Palo Verde projects. However, EPE concedes that Palo Verde 2 costs should not be included in its rates to Rio Grande prior to commercial operation, and accepts summary disposition on this issue. In addition, the company states that it accepts summary disposition as to six other issues raised by the intervenors in their pleadings.⁵

Discussion

Under Rule 214 of the Commission's rules of practice and procedure,⁶ the timely, unopposed pleadings serve to make Rio Grande, TNP, Imperial, and the New Mexico Commission parties to this proceeding.

We find that EPE's filing minimally complies with our threshold filing requirements and, except as discussed below with respect to Rio Grande, no other basis for rejection has been shown. Imperial requests rejection or summary disposition regarding EPE's alleged failure to file studies to support its requested depreciation rates for non-nuclear plant. The company has included a capital recovery study as required by section 35.13 of the Commission's regulations. To the extent that Imperial does not find the study sufficient, it is free to seek more detailed information in discovery. We do not, however, find a basis in Imperial's allegations for rejection or summary disposition.

As to the question of whether EPE's filing violates the provision in its settlement agreement with Rio Grande in Docket No. ER84-236-000⁷ concerning phasing-in the costs of the Palo Verde project, section 4.2 of that agreement provides:

The Company will negotiate a phase-in of the Palo Verde nuclear project to wholesale electric rate base on terms no less favorable to Rio Grande than any other phase-in method agreed to by the Company,

recognizing, however, that previous rate payments made by other jurisdictions might justify a different phase-in methodology. . . . If the Company and Rio Grande are unable to agree, the Company will file rates with the Commission reflecting the Company's views of the appropriate phase-in consistent with the principles stated here

Rio Grande contends that EPE's filing should be rejected because the company has not proposed any phase-in procedure as part of its filing. EPE argues that the settlement agreement requires EPE to include a phase-in plan only when one has been agreed to, and that this has not yet occurred. The company states that the phase-in plan presently under consideration at the retail level in New Mexico is merely proposed, not "agreed to."

We find that EPE's filing does not conflict with the settlement agreement with Rio Grande and we shall reject the rates as applicable to that customer. As EPE admits, it has submitted a phase-in plan for consideration at the retail level. Construing section 4.2, we believe that it is reasonable to conclude that, inasmuch as EPE has offered a plan at the retail level, it has "agreed to" a retail phase-in as intended by this provision of the settlement. However, it is unnecessary to make such a determination. Even if EPE has not specifically "agreed to" a phase-in plan at the retail level, the settlement agreement clearly required EPE to engage in negotiations with Rio Grande on the issue; since the company has not secured the customer's agreement, it was obligated, under any reasonable construction of the settlement, to propose some phase-in plan for Rio Grande "consistent with the principles" in the settlement agreement.⁸

We further find that summary disposition is warranted concerning the "revenue shortfall" provision, which would permit EPE to retroactively increase charges to reflect the outcome of the Commission's ultimate decision on demand allocation. In EPE's Phase I rates, EPE has allocated demand-related costs to TNP on the basis of TNP's coincident demand. In its Phase II rates, the company has allocated demand

³ Both Rio Grande and TNP filed supplements to their motions to intervene in which they elaborated upon several of the points raised in their initial pleadings. EPE opposes these submissions as untimely. Rio Grande's and TNP's actions have not resulted in undue prejudice to EPE, as evidenced by the company's response to those pleadings in its answer. We shall not reject the pleadings. Pursuant to Rule 215(d)(2) of the Commission's rules of practice and procedure, therefore, the pleadings are deemed effective.

⁴ The issues raised include: (1) The rate of return on common equity; (2) O&M expenses; (3) the treatment of investment tax credits; (4) revenue credits for off-system sales; (5) the computation of deferred income taxes; (6) the prudence of EPE's continued involvement in the Palo Verde project; (7) computation of income taxes; (8) allocation of regulatory expenses; and (9) cash working capital.

⁵ Specifically, EPE agrees that: (1) It made an error in amortizing investment tax credits, resulting in a negative flow-back to the customers of \$2.28 million; (2) it made an error in synchronizing the amount added to accumulated deferred taxes for AFUDC interest with the \$16.1 million in deferred taxes on AFUDC interest; (3) it erroneously included some O&M expenses for retired Rio Grande Units 3, 4, and 5 as a result of not adjusting budgeted expenses to reflect the decision to retire the units; (4) it erroneously used unratcheted billing determinants in designing the rates to Rio Grande; (5) it should have used the 40 year license life as the life of the plant for Palo Verde Nos. 1 and 2; and (6) it erroneously depreciated interim additions to Palo Verde.

⁶ 18 CFR 385.214.

⁷ 29 FERC ¶ 61,091 (1984).

⁸ As noted, Rio Grande also requests that summary disposition be granted on its claim that EPE's filing violates the settlement agreement because the costs of Palo Verde No. 2 are included prematurely. It also asks that Rule 717 procedures not be instituted and that the issue of Palo Verde decommissioning costs be phased or addressed in a separate docket. EPE agrees to accept summary disposition on the first of these issues as well as its use of unratcheted billing determinants in designing its rates to Rio Grande. It is not necessary to decide these issues, since we are rejecting EPE's filing as to Rio Grande because of the absence of a phase-in provision.

costs to TNP on the basis of TNP's contract demands. TNP's contract demand is about 58% higher than its coincident demand. If the Commission approves the allocation of demand costs to TNP on the basis of TNP's contract demand, EPE contends that it will have understated its Phase I rates to TNP, and the company proposes that it be permitted to collect any revenue shortfall from TNP. On the other hand, if the Commission requires the use of coincident demand, EPE's Phase II rates to Rio Grande and Imperial will allegedly be understated, in which case EPE proposes to collect any shortfall from Rio Grande and Imperial. EPE contends that the revenue shortfall provision is not unlawful because, by filing it now as part of its proposed tariff, any amounts collected would be in accordance with the filed rate and after timely notice to its customers.

In essence, EPE seeks to shield itself from any adverse effects of its approach to demand allocation. The manner in which EPE has proposed to allocate demand costs in its various rate phases was a matter of the company's choice. However, having made that choice, the selection of allocation methods must necessarily factor into the Commission's evaluation of the filing, including its suspension decision.⁹ To endorse EPE's *ex post facto* adjustment proposal would undermine the bases for the Commission's analysis; it would also subject certain customers to what we consider to be an inequitable, continuing surcharge liability arising out of the company's own choice. This is contrary to Commission practice generally and no compelling justification has been provided for the proposal which, in effect, would substitute a fixed, filed rate ceiling with an uncertain and variable cap. We are compelled to conclude that EPE must bear the risks of its filing decisions and that this make-up provision must be rejected. See *FPC v. Tennessee Gas Co.*, 371 U.S. 145 (1962).

We also find that summary disposition is warranted on the other issues affecting the rates to TNP and Imperial as to which the company concedes error. Within thirty (30) days of the date of this order, EPE shall file revised rate schedules reflecting our determinations on all the issues noted above.

Our preliminary examination of EPE's filing and the pleadings indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or

preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982), we explained that, where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive as defined in *West Texas*, we would generally impose a nominal suspension. Here, our examination suggests that the Phase I and Phase II rates to Imperial may not yield substantially excessive revenues. EPE has requested that the Phase I rates be deemed withdrawn if the same suspension period would be imposed for both Phase I and Phase II. Therefore, we shall deem Phase I withdrawn as to Imperial and shall suspend Phase II as to Imperial, as modified by summary disposition, for one day, to become effective on May 28, 1986, subject to refund. As to the rates for TNP, our examination suggests that the Phase I rates, as modified, may not yield substantially excessive revenues, while the Phase II rates may be substantially excessive. Therefore, we shall suspend Phase I as to TNP, as modified, for one day, to become effective on May 27, 1986, subject to refund, and Phase II, as modified, for five months, to become effective on October 27, 1986, subject to refund.¹⁰

We note that EPE proposes, in its filing, to flow the costs of an unsuccessful uranium venture through its fuel adjustment clause. The company's proposal has been questioned in a recent audit by the Commission's Office of Chief Accountant.¹¹ We shall also set this issue for hearing.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by the intervenors.¹²

¹⁰ TNP requests that EPE's rates be suspended for five months due to an alleged price squeeze. As the Commission has noted on a number of occasions, in the absence of extraordinary circumstances unproved price squeeze allegations are not considered in determining an appropriate suspension period. We are not persuaded that TNP has demonstrated extraordinary circumstances in this case.

¹¹ Letter Directive of December 26, 1985. By letter dated January 24, 1986, EPE responded to the Chief Accountant and requested that its proposed accounting for these costs be approved.

¹² As noted, TNP requests that this case be phased, with the first phase to consider rate moderation plans in order to eliminate an alleged price squeeze, and that the Commission decide the matter on an expedited basis during the suspension period. The New Mexico Commission also asks that

The Commission Orders

(A) The pleadings filed by Rio Grande on April 18, 1986, by TNP on April 17, 1986, and by the New Mexico Commission on May 8, 1986, are hereby accepted.

(B) EPE's proposed rates for service to Rio Grande are hereby rejected.

(C) Summary disposition is hereby ordered, as noted in the body of this order, with respect to (1) the revenue shortfall provision; (2) the amortization of investment tax credits; (3) the error in synchronizing the amount added to accumulated deferred taxes for AFUDC interest with the \$16.1 million in deferred taxes on AFUDC interest; (4) the O&M expenses for retired Rio Grande units 3, 4, and 5; (5) the life of the plant for Palo Verde Nos. 1 and 2; and (6) the depreciation of interim additions to Palo Verde. EPE is hereby directed to submit revised rate schedules and cost support reflecting these determinations within thirty (30) days of the date of this order.

(D) All other motions for rejection of EPE's filing or summary disposition are hereby denied.

(E) EPE's proposed rates are hereby accepted for filing, as modified by summary disposition; the Phase II rates to Imperial are suspended for one day, to become effective May 28, 1986, subject to refund, and the Phase I rates to Imperial are deemed withdrawn. The Phase I rates to TNP are suspended for one day, to become effective on May 27, 1986, subject to refund. The Phase II rates to TNP are suspended for five months, to become effective on October 27, 1986, subject to refund.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of EPE's rates.

(G) The Commission staff shall serve top sheets within ten (10) days of the date of this order.

the first phase be devoted to a rate moderation plan. Under *Arkansas Power & Light Co.*, the presiding judge is free to depart from the usual phasing procedure for good cause. We believe, therefore, that TNP's arguments are more appropriately considered, in the first instance, by the presiding judge.

⁹ It is noted that the distinction in demand allocation method is a major cost of service distinction between Phase I and II rates to TNP.

(H) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Such conference shall be held for purposes of establishing a procedural schedule, including the submission of EPE's case-in-chief. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's rules of practice and procedure.

(I) Subdocket 000 in Docket No. ER84-236-000 is hereby terminated. The evidentiary hearing established herein is assigned Docket No. ER84-236-001.

(J) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

Attachment

El Paso Electric Company, Rate
Schedule Designations, Docket No.
ER86-368-000

Filed: March 26, 1986.

Designation	Description	Other party
(1) Supplement No. 13 to Rate Schedule FERC No. 18 (Supersedes Supplement No. 12).	Phase I rate increase.	Rio Grande-Dell City.
(2) Supplement No. 14 to Rate Schedule FERC No. 19 (Supersedes Supplement No. 13).	.....do.....	Rio Grande-Van Horn.

Designation	Description	Other party
(3) Supplement No. 7 to Rate Schedule FERC No. 35 (Supersedes Supplement No. 6).	.....do.....	TNP.
(4) Supplement No. 7 to Rate Schedule FERC No. 39 (Supersedes Supplement No. 6).	.....do.....	Imperial.
(5) Supplement No. 14 to Rate Schedule FERC No. 18 (Supersedes Supplement No. 13).	Phase II rate increase.	Rio Grande-Dell City.
(6) Supplement No. 15 to Rate Schedule FERC No. 19 (Supersedes Supplement No. 14).	.....do.....	Rio Grande-Van Horn.
(7) Supplement No. 8 to Rate Schedule FERC No. 35 (Supersedes Supplement No. 7).	.....do.....	TNP.
(8) Supplement No. 8 to Rate Schedule FERC No. 39 (Supersedes Supplement No. 7).	.....do.....	Imperial.

[FR Doc. 86-11889 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5334-001]

Joint Ypsilanti Recreation Organization; Application for Approval of Completed Development of Project Lands

May 21, 1986.

Take notice that the Joint Ypsilanti Recreation Organization (JYRO), licensee, for the Ford Lake Project No. 5334, has completed developing Phase I of certain lands designated as the North Bay Reclamation Project, located on the Huron River in Washtenaw County, Michigan.

On November 19, 1984, the Commission issued a public notice for JYRO's proposed North Bay Reclamation Project. The purpose of the proposed project was to enhance recreational opportunities in the North Bay through dredging to create a usable water depth. This work was to be achieved through a 3-phase process. Since then, JYRO has substantially revised its reclamation project. In early 1985, JYRO completed construction of Phase I, which consisted of 3 islands and approximately 23,500 cubic yards of shoreline filling. Phase I was constructed as a mitigation measure to

enhance fish and wildlife habitat and increase shoreline fishing area in order to offset the loss of lake surface area resulting from disposal of dredge material in the lake as originally proposed in Phase II. Initially, Phase I consisted of creating 11.75 acres of wetlands, filling 1.5 acres of islands and shoreline, dredging 8.7 acres of channel area to depths of 9 feet to 12 feet, and constructing three-foot bridges between the islands. Currently, Phases II and III are in the conceptual stage. JYRO will file an application for Commission approval of the proposed work in Phases II and III after the plans are finalized.

Correspondence with the licensee should be directed to: Mr. Kenneth R. Oscarson, Orchard, Hiltz and McCliment, Inc., 34935 Schoolcraft Road, Livonia, Michigan 48150.

Agency Comments.—Federal, State, and local agencies are invited to file comments on the completed Phase I of the project. A copy of the plans for completed Phase I of the reclamation project may be obtained by agencies directly from the licensee. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions to Intervene.—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 38.211 or 385.214, 47 FR 19025-26 (1983). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before July 2, 1986.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: Fred E. Springer, Director, Division of Project Management, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 203 RB at the above address. A copy of any motion to intervene must also be served upon each

representative of the licensee specified in the third paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11890 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. IN86-5-000]

Mobil Exploration and Producing North America, Inc.; Modification of Caption and Paragraph K of Show Cause Order

Issued May 21, 1986.

On April 21, 1986, the Commission commenced a show cause proceeding (Show Cause Order) against Mobil Oil Corporation (Mobil). The Show Cause Order was for the purpose of determining whether a change by Mobil in the method of accounting for plant volume reduction of natural gas sold by Mobil from an allocation on a weighted average basis, to one allocated to the lowest price gas may have resulted in sales of natural gas at unlawfully high rates in violation of the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982) (NGPA).

The Show Cause Order provided for the bifurcation of the proceeding into two phases. Phase I was to determine the legal issue of whether the actions that are the subject of the above-referenced proceeding are consistent with the NGPA. If a violation is found, Phase II would resolve the issue of the extent of the violations, and the appropriate monetary remedies to be imposed. Paragraph (K) of the Show Cause Order required Mobil to respond to the data request specified therein, within thirty days, *i.e.*, May 21, 1986.

On May 13, 1986, Mobil filed a petition, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, to modify the Show Cause Order in two respects. The first sought to change the caption of the proceeding to "Mobil Exploration and Producing North America, Inc." since the natural gas processing plants that are the subject of this proceeding were owned by The Superior Oil Company (Superior). Effective April 24, 1986, Superior was merged into Mobil Exploration and Producing North America, Inc. (MEPNA), an affiliate of Mobil, and MEPNA is the successor to Superior. Mobil has had no direct involvement with the plants that are the subject of the Show Cause Order and thus should not be named as the respondent.

The second request was that the Commission defer the date to respond to the data request specified in Paragraph K of the Show Cause Order until Phase

II commences, since the data sought bears only upon the issues relating to Phase II.

On May 15, 1986, the Enforcement Section, Office of General Counsel filed its response stating it had no objection to Mobil's requests for modification. Accordingly, the Show Cause Order of April 21, 1986, is hereby modified by:

1. Changing the caption to Mobil Exploration and Producing North America, Inc.; and

2. Changing Paragraph (K) to state that Mobil Exploration and Producing North America, Inc. shall produce the documents only after Phase II of the proceeding has commenced.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-11894 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL86-11-000]

Cities of Newark, New Castle, and Milford, DE, and Town of Smyrna, DE v. Delmarva Power and Light Co; Order Setting Matter for Investigation and Hearing

Issued: May 21, 1986.

Before Commissioners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

On November 27, 1985, the Cities of Newark, New Castle, and Milford, Delaware and the Town of Smyrna Delaware (Municipalities) filed a complaint pursuant to Rule 206 of the Commission's rules of practice and procedure against Delmarva Power and Light Company (DP&L). The Municipalities allege that DP&L violated a settlement agreement between DP&L and the Municipalities.

The Municipalities own and operate municipal electric utilities in Delaware and are currently partial requirements customers of DP&L. On February 2, 1983, the Municipalities filed with the Commission an agreement with DP&L which settled in part four cases pending before the Commission¹ and settled antitrust cases brought by the Municipalities against DP&L.²

¹ Docket Nos. ER78-414, ER80-363, ER81-504, and ER82-751.

² *City of Newark v. DP&L*, Civ. A. No. 77-254 (D. Del.) and *City of New Castle v. DP&L*, Civ. A. No. 77-296 (D. Del.). By order issued on May 31, 1983, the Commission approved the agreement. 23 FERC ¶ 61,363 (1983). Among other things, the agreement addressed the question of future price squeeze disputes and related procedures before the Commission.

The Municipalities characterize the settlement as having established a comprehensive mechanism to equalize the rates of return between DP&L's GS-P tariff, applicable to large industrial customers, and the wholesale rates to the Municipalities. According to the Municipalities, when DP&L files wholesale rates, it must provide a rate of return comparison with its filing. The Municipalities state that the agreement then requires DP&L to furnish to the Municipalities, within ten days following a Commission order establishing the effective date for wholesale rates applicable to the Municipalities, a further rate of return comparison between the wholesale rates and the retail GS-P rate which DP&L expects will be in effect as of the effective date of the wholesale rates. They state that the agreement provides that if the rate of return comparison indicates that DP&L would receive a greater return on the Municipalities' wholesale rates than on the GS-P rate, DP&L and the Municipalities must file with the Commission a joint request for decreased interim wholesale rates applicable to the Municipalities at the level necessary to indicate equal rates of return. According to the Municipalities, the agreement further provides that if the Commission fails to approve a decrease in wholesale rates coincidentally with a decrease in retail GS-P rates, DP&L and the Municipalities would seek to adjust interim wholesale rates so that the Municipalities would receive reimbursement, plus interest, of the difference between the effective rates and the rates required to eliminate price squeeze based upon a rate of return comparison.

The crux of the Municipalities' complaint is that DP&L has, since March of 1984, issued six refunds or rate decreases to its retail customers, while making only one rate reduction to the Municipalities during the same period. The Municipalities allege that pursuant to the settlement agreement, DP&L was obligated to file wholesale rate decreases corresponding to each of the retail rate reductions. The Municipalities allege that a rate reduction of approximately \$2,800,000 is due them. They request that the Commission order DP&L to file reduced rates or refunds in that amount, plus interest. In the alternative, they request that the Commission order DP&L to reduce rates to the Municipalities and order a hearing to determine the amount of the rate reduction.

Notice of the Municipalities' complaint was published in the Federal

Register,³ with comments due on or before January 13, 1986. On December 23, 1985, the Municipalities filed a motion to defer all procedural dates pending settlement negotiations. On February 26, 1986, the Municipalities filed a motion requesting that the Commission address its complaint, inasmuch as the parties had been unsuccessful in their attempts to settle the issues in this proceeding.

Old Dominion Electric Cooperative (ODEC) filed a motion to intervene in this proceeding on March 3, 1986. ODEC states that as a wholesale customer of DP&L, it has a direct interest in any rate reductions that may be ordered by the Commission for DP&L wholesale customers in this proceeding. On March 17, 1986, DP&L filed an answer in opposition to ODEC's motion to intervene. DP&L opposes ODEC's intervention on the grounds that ODEC is not a party to the settlement agreement and does not have standing to challenge DP&L's compliance with a settlement agreement to which it is not a party.⁴ On March 26, 1986, the Commission issued a notice establishing a deadline for protests, interventions, and answers of April 14, 1986.⁵

DP&L filed a timely answer to the Municipalities' complaint. DP&L states that the complaint is based on an incorrect interpretation of the settlement agreement. The company denies the allegation that the settlement agreement requires DP&L to file reduced wholesale rates to create equal rates of return between its GS-P retail rate and the Municipalities' wholesale rates whenever there is a reduction in retail rates. DP&L asserts that the settlement agreement provides for the adjustment of interim wholesale rates only while a wholesale rate case is pending before the Commission. DP&L admits that it issued refunds and rate decreases to its Delaware retail customers on the dates alleged in the complaint.⁶ However, DP&L argues that because there was not a wholesale rate case pending before the Commission during these periods, DP&L was not required to adjust its wholesale rates to correspond with such retail rate reductions. DP&L states that

its actions have been consistent with its obligations under the settlement agreement and requests that the Commission summarily dispose of this proceeding by dismissing the complaint. In the alternative, the company requests that the Commission set the matter for hearing.

On April 30, 1986, the Municipalities filed a motion for leave to file a late opposition to DP&L's motion for summary disposition. In the response, they present a point-by-point argument concerning their interpretation of the settlement agreement and also dispute DP&L's quantification of its retail rate reductions. The Municipalities state that they must obtain information through discovery to determine the exact amount of one of DP&L's retail reductions. They request that the Commission grant summary disposition for the Municipalities on the question of DP&L's alleged violation of the settlement agreement, and order a hearing to determine the proper amount of wholesale rate reduction or refunds.

Discussion.

Notwithstanding DP&L's opposition to ODEC's intervention, we find that good cause exists to grant its motion. Although the Municipalities' complaint focuses principally on an interpretation of their earlier settlement agreement with DP&L, we are not prepared to conclude that ODEC has not legitimate interest in the outcome of this proceeding, particularly in view of the scope of the hearing which we discuss below. In this context, ODEC's participation may be in the public interest and we shall therefore grant the motion to intervene.

Because of the apparent absence of any undue prejudice or delay, we shall grant the Municipalities' motion to file an untimely reply to DP&L's motion for summary disposition. We do so somewhat reluctantly, however, because the Municipalities have provided no explanation for their untimeliness and because the response does not provide any new facts or information which could not have been included in their original complaint; rather, it merely sets forth a more detailed argument on their interpretation of the settlement agreement.

This controversy centers on the proper interpretation of a settlement agreement between the parties. As noted, the Municipalities argue that DP&L is required to initiate actions necessary to equalize the rates of return between GS-P retail rates and wholesale rates to the Municipalities whenever DP&L makes a retail rate

reduction. DP&L, on the other hand, argues that such procedures are triggered only after a wholesale rate filing has already been made.

Whatever the objectives of the parties might have been when they entered into the settlement agreement three years ago, we are unable to find a clear indication within the four corners of that document that the provisions referred to by the Municipalities impose any separate and direct obligation on DP&L to initiate wholesale rate change proceedings. Rather, by their terms, the provisions appear to control only after such a filing has first been made, and to address procedures for amending interim rate levels while the filing is pending.⁷ Nonetheless, the pleadings are somewhat cryptic and we are not prepared to determine conclusively that there is room for only one interpretation. Further, we would, in any case, consider it reasonable to initiate a hearing on the assumption that the Municipalities are alleging, albeit indirectly, an ongoing price squeeze concern which might be remedied prospectively, if not under the terms of the settlement.⁸ Therefore, we shall set the complaint for hearing with the expectation that issues such as burden of proof and appropriate relief, if any, shall be considered in the proceeding.

The Commission Orders

(A) ODEC's motion to intervene is hereby granted.

(B) The motions for summary disposition filed by DP&L and the Municipalities are hereby denied.

(C) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(c) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the issues presented by the Municipalities' complaint filed against DP&L.

⁷ Conceivably, the preeminent issue at the time of the settlement involved rate increases rather than decreases, but we need not so speculate as to motives.

⁸ While this option would be available in any event under section 206 of the Federal Power Act, we note that the settlement specifically reserves to the Municipalities the right to file complaints and to bring price squeeze actions before the Commission. We also note that a hearing would be required, in any case, to resolve the dispute as to the magnitude of DP&L's various retail rate reductions.

³ 50 FR 52,365 (1985).

⁴ On March 25, 1986, ODEC filed a supplement to its motion to intervene in response to DP&L's opposition to its intervention. On April 7, 1986, DP&L filed an answer to ODEC's supplemental pleading. Because the Commission's Rules of Practice and Procedure do not permit the filing of a responsive pleading to an answer, we shall disregard these pleadings. 18 CFR 385.213(a)(2).

⁵ 51 FR 10,917 (1986).

⁶ We note, however, that the amounts, percentages, and types of rate reductions claimed by DP&L do not correspond to those alleged by the Municipalities.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The presiding judge is authorized to establish procedural dates, including the initial submission of testimony and exhibits by the Municipalities, and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(E) Subdocket 000 of Docket No. EL86-11 is hereby terminated. Docket No. EL86-11-001 is hereby assigned to the evidentiary hearing ordered herein.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11893 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-78-000]

Northwest Alaskan Pipeline Co.; Tariff Changes

May 22, 1986.

Take notice that on May 15, 1986, Northwest Alaskan Pipeline Company ("Northwest Alaskan"), 295 Chipeta Way, Salt Lake City, Utah 84108-0900, tendered for filing in Docket No. RP86-78, Eighteenth Revised Sheet No. 5 to its FERC Gas Tariff Original Volume No. 2.

Northwest Alaskan states that it is submitting Eighteenth Revised Sheet No. 5 reflecting a decrease in current demand charges for Canadian gas purchased by Northwest Alaskan from Pan-Alberta Gas Ltd. ("Pan-Alberta") and resold to its four U.S. purchasers, Northern Natural Gas Company, a Division of Enron Corp. ("Northern"), Panhandle Eastern Pipe Line Company ("Panhandle"), United Gas Pipe Line Company ("United"), and Pacific Interstate Transmission Company ("PIT") under Rate Schedules X-1, X-2, X-3, and X-4, respectively. Total demand charges for Northern, Panhandle, and United increase due to a larger demand charge adjustment than in the January-June 1986 period, while total demand charges for PIT are less.

Northwest Alaskan states that it is submitting Eighteenth Revised Sheet No. 5 pursuant to the provisions of the amended purchase agreements between Northwest Alaskan and Northern,

Panhandle, United and PIT, and pursuant to Rate Schedules X-1, X-2, X-3, and X-4, which provide for Northwest Alaskan to file 45 days prior to the commencement of the next demand charge period (July 1, 1986 through December 31, 1986) the demand charges and demand charge adjustments which Northwest Alaskan will charge during that period.

Northwest Alaskan requests that Eighteenth Revised Sheet No. 5 become effective July 1, 1986.

Northwest Alaskan states that a copy of this filing is being served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before May 29, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11895 Filed 5-22-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA85-3-28-005 and TA86-2-28-003]

Panhandle Eastern Pipe Line Co.; Change in Tariff

May 22, 1986.

Take notice that on May 15, 1986 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheets to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Fourth Revised Sheet No. 43-2.1

Fourteenth Revised Sheet No. 43-4

The proposed effective date of these revised sheets is December 1, 1985.

Panhandle states that the purpose of the revisions to Panhandle's purchased gas adjustment tariff language is to implement the Commission's new methodology to account for out-of-balance concurrent exchange transactions. Panhandle is proposing to implement this "adjusted methodology" together with the attendant tariff language beginning December 1, 1985. Accordingly, a December 1, 1985

effective date is proposed for First Substitute Fourth Revised Sheet No. 43-2.1 and Fourteenth Revised Sheet No. 43-4.

Panhandle respectfully requests waiver of \$ 154.22 of the Commission's Regulations together with any other such waivers as may be necessary, for the acceptance of First Substitute Fourth Revised Sheet No. 43-2.1 and Fourteenth Revised Sheet No. 43-4 submitted herewith to become effective December 1, 1985.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 29, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-11846 Filed 5-27-86; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Stampede Division, Washoe Project; Proposed Power Rate

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Power Rate—Stampede Division, Washoe Project.

SUMMARY: The Sacramento Area Office of the Western Area Power Administration (Western) is proposing a minor rate adjustment for a new service from the Stampede Division, Washoe Project (Stampede). The Bureau of Reclamation (Reclamation) is currently constructing the Stampede Powerplant as part of the Stampede Division. The powerplant, a 3.65-MW hydroelectric facility producing only nonfirm energy, is expected to be operable by August 15, 1986. The nonfirm energy will be marketed by Western to Truckee-Donner Public Utility District (TDPUD)

pursuant to the final Power Marketing Plan (50 FR 21350, May 23, 1985) and final allocation (50 FR 43456, October 25, 1985).

Proposed Rates

Two alternative rates are now being considered to recover the costs associated with the nonfirm Stampede energy. In the event that the Government operates and maintains the Stampede power-related facilities, the customer will pay the SNF-1 rate. In the event the customer operates and maintains the Stampede power related facilities at its own expense, the customer will pay the SNF-2 rate.

The customer will pay one of these proposed alternative rates for each kWh of nonfirm energy delivered to the customer at the Stampede Powerplant, except for the energy designated to service the project loads. The determination of the rate which will be applicable will be dependent upon whether the customer agrees to operate and maintain the Stampede Powerplant at its own expense. Both of the rates and the effective dates are shown below.

	Date effective	Nonfirm energy charge (mills/kWh)
SNF-1	The first day of commercial service of Stampede Powerplant.	40.85
SNF-2	do	28.38

EFFECTIVE DATE: The new rate will become effective on the date that Stampede Powerplant is placed in commercial service. In the event that the powerplant becomes commercially operable prior to the issuance of the rate order applicable to the rates described herein the rate may be applied retroactively.

DATES: The consultation and comment period will begin with publication of this notice in the *Federal Register* and will end 30 days thereafter. The alternative rates described herein are expected to become effective at such time that Stampede Powerplant is placed in commercial service. Written comments may be submitted to the address below on or before the end of the consultation and comment period.

ADDRESS: For further information contact: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Suite 105, Sacramento, CA 95825. Phone: (916) 978-4418.

SUPPLEMENTARY INFORMATION: Power rates for the Stampede Division are established pursuant to the Department of Energy (DOE) Organization Act of

August 4, 1977 (42 U.S.C. 7101 *et seq.*); the Reclamation Act of 1902 (43 U.S.C. 372 *et seq.*) as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and the Act of August 1, 1956, 70 Stat. 775, authorizing construction of the Washoe Project.

The DOE Delegation Order No. 0204-108 (48 FR 55664, December 14, 1983) delegates to the Administrator of Western, on a nonexclusive basis, the authority to develop power and transmission rates. The order also delegates to the Deputy Secretary, on a nonexclusive basis, the authority to confirm, approve, and place in effect, on an interim basis, power and transmission rates.

Western is developing these rates for Stampede Division, Washoe Project, in accordance with Reclamation Law, DOE financial reporting policies, procedures, and methodology (DOE Order No. RA 6120.2, September 20, 1979), and the procedures for public participation in rate adjustments found in Title 10 CFR Part 903 (1985).

This notice initiates the public proceedings for a minor new service, announcing the rates under consideration and the beginning of the 30-day consultation and comment period. A public information and comment forum will not be held. Under DOE procedures, such forums are optional for minor rate adjustments, which include rate adjustments for power systems with installed capacity of less than 20,000 kW. Stampede Powerplant capacity is 3,650 kW, well under the 20,000 kW limit, making the forums optional for Stampede. Western's decision not to hold public forums is primarily due to the absence of public interest and involvement during the power marketing proceedings.

Rate Components

The two alternative rates will be based on power related costs associated with the Stampede nonfirm energy, as delivered to the customer at the Stampede Powerplant Switchyard.

a. **SNF-1.** In the event that the Government operates and maintains the Stampede facilities, the customer will pay full cost of service, now calculated at 40.85 mills per kWh. The customer will pay this rate for each kWh of nonfirm energy delivered to the customer at the Stampede Powerplant, except for the energy designated to service the project loads. The full cost of service is defined as payment of the following costs, as allocated to the commercial power function: (1) The annual operation and maintenance

(O&M) expenses, to be repaid in the year of occurrence; (2) the annual interest expenses, to be repaid in the year of occurrence; (3) the replacement costs, to be repaid over the service lives of the replaceable items or 50 years, whichever is shorter, such replacements to be repaid with interest; and (4) the power investment and associated planning costs, to be repaid over a 50-year repayment period at the Stampede power facility's authorized 2.591 percent interest rate.

b. **SNF-2.** In the event that the customer operates and maintains all of the Stampede Powerplant facilities at its own expense, the customer will pay the cost of service, less the O&M expenses, now calculated at 28.38 mills per kWh. The customer will pay this rate for each kWh of nonfirm energy delivered to the customer at the Stampede Powerplant, except for the energy designated to service the project loads. The costs to be repaid by the SNF-2 rate are the same costs as those defined for the SNF-1 rate, excluding the annual O&M expenses.

Background

Stampede Dam and Reservoir are located on the Little Truckee River approximately 8 miles above the confluence of the Little Truckee and Truckee Rivers. The dam and reservoir are in Sierra County, California, about 11 miles northeast of the town of Truckee. The water source for Stampede Reservoir is the Little Truckee River drainage basin containing about 136 square miles of dense wooded slopes and grass meadowlands.

When the Stampede Dam and Reservoir project was authorized in 1956, hydroelectric power development was included. However, power facilities were not constructed at the time Stampede Dam was built during the period 1966 to 1970 because the power function was not economically justified. Nevertheless, provisions were made to facilitate the addition of power facilities at a later date.

A preliminary reevaluation of a powerplant at Stampede was published in a special Reclamation report, "Adding Powerplants at Existing Federal Dams in California," July 1976. The report recommended construction of a Stampede Powerplant. As a result, definite plan studies were initiated in fiscal year 1977 and construction of the powerplant is nearly complete.

Stampede Dam and Reservoir are presently operated to fulfill three purposes: flood control, fisheries enhancement, and recreation. Power generation, resulting from the addition

of the 3.65-MW powerplant at the dam, will add a fourth purpose. It is estimated Stampede Powerplant will provide approximately 9.6 million kWh annually. The powerplant will be operated as an unattended plant with automatic means for maintaining relatively constant downstream water releases in the event of unit shutdown. Generator control is completely automatic with capability for complete shutdown.

Under contract with Western, the Sierra Pacific Power Company (Sierra) constructed a 1/2 mile 60-kV transmission line between the Stampede power facility and Sierra's existing 60-kV transmission system for the purpose of delivering energy to Sierra's system. All plant and switchyard controls are centrally located inside the powerplant.

The energy generated by the Stampede Powerplant has an initial priority reservation for designated Washoe Project loads. The Lahontan National Fish Hatchery and the Marble Bluff Fish Facility have been designated by Reclamation and Western as project loads of the Washoe Project. Such designation makes the Fish and Wildlife Service facilities eligible to be served by the Stampede Powerplant on a priority basis. The projected demand of these facilities should not exceed 500-kW peakload and 2 million kWh annually. Energy generated at the Stampede Powerplant will be nonfirm in nature and, except for the energy designated to service the project loads, will be sold to the TDPUD as a preference agency.

Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the rate adjustment for Stampede relates to nonregulatory services provided by Western at a particular rate. Under 5 U.S.C. 601(2), rates or services of particular applicability are not considered "rules" within the meaning of the Act. Since the rate for Stampede power is of limited applicability and is being set in accordance with specific regulations and legislation under particular circumstances, Western believes that no flexibility analysis is required.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 and DOE regulations published in the

Federal Register (45 FR 20694-20701, as amended), Western has reviewed the environmental impacts of the proposed ratesetting for Stampede Division and has determined that it does not involve a major Federal action having a significant adverse impact on the human environment. The preparation of an environmental assessment or environmental impact statement is not required.

Executive Order 12291

The purpose of Executive Order 12291, dated February 17, 1981, is

... to reduce the burdens of existing and future regulations, increase agency accountability for regulatory actions, provide for presidential oversight of the regulatory process, minimize duplication and conflict of regulations, and insure well-reasoned regulations

The DOE has determined that this is not a major rule pursuant to the criteria of section 1(b) of the Order. Furthermore, Western has received an exemption from sections 3, 4, and 7 of Executive Order 12291 and therefore has not prepared a regulatory impact statement.

Availability of Information

All brochures, studies, comments, letters, memorandums and other documents made or kept by Western for the purpose of developing the proposed alternative rates are and will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 1825 Bell Street, Suite 105, Sacramento, California 95825, (916) 978-4418.

Issues at Golden, Colorado, May 8, 1986.

William H. Clagett,

Administrator,

[FR Doc. 86-11864 Filed 5-27-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ORD-FRL-3022-4]

Air Quality Criteria; Addendum to the Health Assessment Document for Tetrachloroethylene (Perchloroethylene, PERC, PCE)

AGENCY: Environmental Protection Agency.

ACTION: Reopening of the Public Comment Period.

SUMMARY: This notice announces the reopening of the public comment period for the external review draft of the Addendum to the Health Assessment Document for Tetrachloroethylene

(Perchloroethylene): Updated Carcinogenicity Assessment for Tetrachloroethylene (Perchloroethylene, PERC, PCE), EPA/600/8-82-005FA, dated April 1986. On April 9, 1986 a notice was published in the Federal Register (51 FR 12202) announcing the Addendum as being available for public comment from April 7, 1986 through May 5, 1986.

DATES: The Agency will make this document available for public review and comment from the date of this notice through July 30, 1986.

ADDRESSES: To obtain a copy of the draft document, interested parties should contact the ORD Publications Center, CERL-FRN, Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268, (513) 569-7562, and request the external review draft of the Addendum to the Health Assessment Document for Tetrachloroethylene (Perchloroethylene, PERC, PCE), EPA document number EPA-600/8-82-005FA. Please provide your name, mailing address, and the EPA document number when requesting a copy of the draft document.

The draft document will also be available for public inspection and copying at the EPA Library, EPA headquarters, Waterside Mall, 401 M Street SW., Washington, DC 20460.

Comments on the draft document should be sent to: Project Manager for Tetrachloroethylene, Carcinogen Assessment Group (RD-689), Office of Health and Environmental Assessment, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Technical Information Staff, Office of Health and Environmental Assessment (RD-689), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, 202/382-7345.

SUPPLEMENTARY INFORMATION: The Health Assessment Document for Tetrachloroethylene is available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, (703) 487-4650. The NTIS ordering number is PB85-249704.

Dated: May 20, 1986.

Norbert A. Jaworski,

Acting Assistant Administrator for Research and Development.

[FR Doc. 86-11873 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66131; FRL-3019-4]

Phorate; Intent To Cancel Registrations of Certain Pesticide Products**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of Intent to Cancel.

SUMMARY: EPA has issued a Guidance Document for pesticide products containing the active ingredient phorate. This Guidance Document indicated that certain label changes implementing risk reduction measures were necessary to assure that continued use of phorate would not cause unreasonable adverse effects on the environment. This Notice announces EPA's intent to cancel the registrations of six pesticide products whose registrants have failed to make labeling changes specified in the Guidance Document, and to prohibit sale or distribution of existing stocks of those products. The products are called Agro-Chem Brand Granules, Phorate 15-G Soil and Systemic Insecticide, Phorate 10-G Soil and Systemic Insecticide, 7-10-14 + 0.50% T Contains 0.50% Thimet 6-8-6 + 0.166% T Contains 0.166% Thimet, and El Blanco Brand Terraclor Thimet 6.5-6.5 Soil Fungicide Systemic Insecticide Granular. Persons who would be adversely affected by such actions may request that EPA hold a hearing.

DATE: A request for a hearing submitted by a registrant or an applicant for registration of an affected product must be received on or before June 27, 1986, or within 30 days after receipt by mail of this notice, whichever is the later date. A request for a hearing submitted by any other adversely affected person must be received on or before June 27, 1986.

ADDRESS: Hearing requests must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: William H. Miller, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 211, Crystal Mall Building #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2600).

SUPPLEMENTARY INFORMATION: Pesticide products containing the active ingredient phorate have been registered in the United States since about 1968. There are currently 21 registered pesticide products containing phorate used either to control insects on a wide

variety of crops or to control nematodes on commercially grown ornamentals.

As part of its ongoing program to reexamine previously registered pesticides, EPA conducted a comprehensive review of the existing data on registered pesticide products containing phorate. Based on this review, EPA decided to impose data requirements and to state the conditions and label modifications necessary for products containing that active ingredient to comply with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA's conclusions on these matters were set forth in a Guidance Document on phorate dated August 1984, a copy of which was sent to all registrants of products containing phorate.

The Guidance Document identified a number of revisions in the labels of phorate products necessary to maintain these registrations in compliance with FIFRA. Most registrants have made the changes, but four registrants have not. This Notice announces the Agency's intent to cancel the registrations of the six phorate products which have not been revised to comply with the provisions of the phorate Guidance Document.

I. Legal Background

In order to reregister a pesticide under FIFRA, a registrant must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment" (FIFRA section 3(c)(5)). The term "unreasonable adverse effects on the environment" is defined in section 2(b)(b) of FIFRA as "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide." This standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with widespread and commonly recognized practice.

The proponents of registration have the burden of proving that a pesticide satisfies the standard for registration, both at the time of initial registration and as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may issue a Notice of Intent to Cancel the registration of a pesticide, or to cancel it unless the terms and conditions of registration are modified, whenever it appears that the

pesticide causes unreasonable adverse effects on the environment.

In determining whether the use of a currently registered pesticide poses risks which are greater than its benefits, the Agency considers possible changes to its terms and conditions of registration which can reduce risks and the impacts of such modifications on the benefits of use. FIFRA section 6(b) expressly states that "in taking any final action under this subsection, the Administrator shall consider restricting a pesticide's use or uses as an alternative to cancellation"

The Agency's authority to classify pesticides for restricted use is contained in FIFRA section 3(d)(1)(C) and is implemented by regulations at 40 CFR 162.11(c), 162.30, and 162.31. If some or all uses of a pesticide are classified for restricted use, the use of a product labeled for such uses may be limited only to certified applicators or individuals under their direct supervision, as provided by FIFRA section 3(d)(1)(c) and 40 CFR 162.11(c)(5). A person may become certified to apply restricted-use pesticides only by demonstrating his competency, usually at the end of a State or Federal training program, to use these potentially dangerous pesticides safely and effectively, under FIFRA section 4 and 40 CFR Part 171. Section 3(d)(1)(C) of FIFRA provides that a restricted use classification "will" be imposed on a pesticide (or some of its uses) if the Administrator determines that without such restriction the pesticide "may generally cause unreasonable adverse effects on the environment."

EPA's regulations at 40 CFR 126.11(c) (2) and (3) elaborate upon these statutory standards and state that a pesticide will be classified for restricted use if, among other things, the pesticide is used in non-domestic settings, it is extremely toxic on skin contact or when inhaled, and its labeling does not adequately mitigate the risk. Hazards to nontarget wildlife and other hazards may also provide a basis for restricting the use of a pesticide under § 62.11(c) (2) and (4).

The Agency's authority to require specified labeling on pesticide products is derived from FIFRA sections 3(c)(5)(B) and 2(q)(1) (E), (F), and (G) and is implemented by regulations at 40 CFR 162.10.

If the Agency determines that changes in the label of a pesticide—for example, a statement that the pesticide is classified for use by certified applicators only, or imposing other conditions on its continued registration—are necessary to

reduce the risks to a level where the benefits will outweigh the risks, the Agency may inform the registrant that he must request amendments to the registration to make those changes. If any registrant fails to comply, EPA may issue a Notice of Intent to Cancel the registrations in question.

II. Determination of Unreasonable Adverse Effects

As explained in Unit I.A EPA has determined that continued unrestricted use of certain pesticide products containing phorate is likely to result in unreasonable adverse effects on the environment, and in accordance with FIFRA section 6(b)(1), EPA is issuing this Notice of its intent to cancel the registrations of the products and to prohibit sale or distribution by registrants of existing stocks of such products. The following discussion of the risks and benefits of phorate summarizes information in the Phorate Registration Standard and supporting science chapters. For information regarding the availability of "The Guidance for the Registration of Manufacturing-Use and Certain End-Use Pesticide Products Containing Phorate, August 1984" call Catherine Grimes at (703-557-3240).

A. Risks

Phorate is acutely toxic to humans and wildlife. Due to its acute toxicity, EPA has concluded that there is a substantial risk that mixer-loaders and applicators of phorate and other farmworkers will suffer adverse effects as a result of their exposure to phorate. Even instances of minor failures to follow directions for use and disposal of phorate products could result in serious adverse effects to individuals through accidental ingestion, inhalation of dust from broken granules of pesticide, or dermal contact.

Due to phorate's very high toxicity, EPA has also concluded that use of phorate poses a risk to endangered species including: Attwater's greater prairie chicken, Aleutian goose, Everglades kite, slackwater darter, woundfin, freshwater mussels, valley elderberry, longhorn, beetle, delta green ground beetle and Kern primrose sphinx moth.

Risks to applicators and to endangered species could be reduced by revising the labels of phorate products as provided in the Guidance Document on phorate. This is accomplished by providing persons trained in the proper use of pesticides with specific directions for use which limit exposure to those at risk.

B. Risk Reduction Measures

To mitigate these risks EPA specified the following labeling statements for all manufacturing-use products:

Warnings and precautionary statements applicable to products in Toxicity Category I, as required in 40 CFR 162.10(h).

Wear protective clothing, rubber gloves and goggles. Wear a pesticide respirator jointly approved by the Mining Enforcement and Safety Administration (formerly the U.S. Bureau of Mines) and by the National Institute for Occupational Safety and Health under provisions of 30 CFR Part 11 for organic phosphate protection.

For formulation into end-use insecticide and/or nematicide products intended for [specify the appropriate use pattern listed in section F.3 of the Guidance Document on phorate].

Do not discharge effluent containing this product directly into lakes, streams, ponds, estuaries, oceans or public waters unless this product is specifically identified and addressed in an NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance, contact your State Water Board or Regional Office of the Environmental Protection Agency.

Further, EPA specified that end-use products must contain certain additional labeling statement, depending on the toxicity, type of formulation and/or use pattern:

(All formulations)

Warnings and precautionary statements depending on toxicity category of the product, as required in 40 CFR 162.10(h).

Do not reenter treated fields before 24 hours after application. If reentry prior to 24 hours is required, take the same precautions as an applicator of the product including use of protective clothing, gloves and goggles.

Not for use or storage in or around the home.

Restricted Use Pesticide

For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification.

Food/feed crops other than those registered for use with phorate may not be planted in phorate-treated soil.

(Granular formulations)

When applying product, wear protective clothing, gloves and goggles.

(EC formulations)

When applying product, wear protective clothing, rubber gloves and

goggles. Wear a pesticide respirator jointly approved by the Mining Enforcement and Safety Administration (formerly the U.S. Bureau of Mines) and by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11 for organic phosphate protection.

(Greenhouse Uses)

Wear a pesticide respirator jointly approved by the Mining Enforcement and Safety Administration (formerly the U.S. Bureau of Mines) and by the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11 for organic phosphate protection.

(Terrestrial Crops Other Than Rice)

This pesticide is toxic to fish and wildlife. Birds and other wildlife feeding in treated areas may be killed. Do not apply directly to water or wetlands. Runoff and drift from treated areas may be hazardous to aquatic organisms in adjacent sites. Do not contaminate water by cleaning of equipment or disposal of wastes. Cover or incorporate spills.

(Rice Uses)

This pesticide is toxic to fish and wildlife. Aquatic organisms may be killed at the recommended application rate. Do not contaminate water by cleaning of equipment or disposal of wastes. Cover and incorporate spills.

Adding these label statements will better inform users about the risk presented by use of phorate. Imposition of reentry intervals and protective clothing requirements will reduce applicator and farmworker exposure. Reducing exposure will result in a substantially lower level of risk to these parties. Moreover, since the use of phorate would be restricted to certified applicators, EPA expects that users will follow use directions more carefully and that such actions will mitigate or eliminate the risks to humans and to the nontarget wildlife which are the subject of the label requirements.

C. Benefits

As explained more fully in Unit I.D, EPA believes that requiring registered products containing phorate to bear the label statements set forth above will have no significant impact on the benefits of using phorate pesticides. Specifically, the Agency does not anticipate any substantial adverse impact on users or the agricultural economy as a result of this action.

Although registrants of 6 products out of 21 currently registered products subject to the labeling requirements have not sought to amend their registrations to make the specified

changes, the remaining products are in compliance. Because there are currently registered products containing phorate which are in compliance with the above labeling requirements, EPA concludes that cancellation of noncomplying products would have no impact on the availability of phorate.

Moreover, the incorporation of the labeling statements specified above would be unlikely to have an impact on the availability or benefits of phorate. Phorate products would still be available for use on all sites that are currently registered. The labeling statements would not impair the users' ability to apply the product when needed for pest control.

D. Risk/Benefit Balance

EPA concludes that phorate products which do not bear the label statements specified in Unit II.B will cause unreasonable adverse effects on the environment. This conclusion rests on the determination that the risks of using phorate, without the proposed restrictions, outweigh the benefits of such use. EPA has further determined that these risks can be substantially diminished or eliminated by adding certain label statements and that such changes would not significantly reduce the benefits of the product. With such restrictions, EPA concludes that the risks would be reduced to the point where the benefits would outweigh the risks of using the product. Accordingly, the Agency is issuing this notice of intent to cancel the registration of phorate pesticides that do not comply with the applicable label requirements specified in Unit II.B of this Notice.

E. Existing Stocks

This unit of the Notice sets forth EPA's determination regarding further sale or distribution of existing stocks of phorate products cancelled by operation of this Notice. The term "existing stocks" refers to any quantity of phorate product which is in the physical custody of any registrant on the date this Notice becomes effective by operation of law.

No registrant may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver any existing stocks of a pesticide product containing phorate after the date on which the registration of that product is cancelled by operation of law (See Unit IV.C). Any other quantity of a pesticide product containing phorate that has been cancelled (e.g., quantities in distributors' and users' possession) may be sold, distributed, or used according to label directions until December 31, 1986.

The purpose of this provision governing existing stocks is to clear the channels of trade of non-complying phorate products as quickly as possible without unreasonably penalizing distributors and users for the registrants' failure to adopt the specified labeling. Registrants are not being allowed any period of time to sell or distribute their existing stocks of phorate in view of EPA's conclusion that these products cause unreasonable adverse effects on the environment and the lengthy period during which registrants have been on notice of EPA's intention to cancel the registration of phorate products which did not bear the specified label statements. EPA believes that the amount of existing stocks in the hands of distributors and retailers is relatively limited. Sale and eventual use of such stocks should not significantly add to the risks to the environment.

III. Statutory Review

Sections 25(d) and 6(b) of FIFRA require that, prior to issuing a notice of intent to cancel the registration of any pesticide product, EPA shall notify the Scientific Advisory Panel (Panel) and the U.S. Department of Agriculture (USDA) of the proposed action. Following such notice, the Panel waived its right to comment on this Notice by memorandum dated January 9, 1986. USDA indicated by memorandum dated March 31, 1986 that it had no objection to this Notice.

IV. Procedural Matters

This unit of the Notice describes the different procedures by which EPA will implement the regulatory decision described in Unit II. Specifically, this unit announces EPA's intent to cancel the registration of affected phorate products unless the changes required by Unit II.A of this Notice are made. Under section 6(b)(1) of FIFRA, registrants and certain other adversely affected parties may request a hearing on the cancellation action that this Notice initiates. Unless the registrant makes the required change(s) or a hearing is properly requested with regard to a particular registration, the registration will be cancelled by operation of law.

A. Procedure for Amending Registration

Registrants can avoid cancellation of product numbers 1526-492, 23486-65, 23486-66, 9859-240, 9859-242 and 11656-29 by submitting an application for product labeling revised as specified in the August 1984 phorate Guidance Document, within 30 days from receipt of this Notice or its publication in the

Federal Register, whichever is later. To do so, a registrant should submit an Application for Amended Pesticide Registration (EPA Form 8570-1) along with two copies of draft labeling, including the label and associated brochures.

Send application for amended registration to: William H. Miller, PM 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

B. Procedure for Requesting a Hearing

To contest any provision of this Notice, registrants may request a hearing within 30 days of receipt of this Notice or within 30 days from publication of this Notice in the Federal Register, whichever occurs later. Any other person adversely affected by the cancellation action described in this Notice, may request a hearing within 30 days of publication of this Notice in the Federal Register.

A registrant or other adversely affected party who requests a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures require, among other things, that each request must identify the specific registration(s) by registration number(s) and the specific use(s) for which a hearing is requested, and that each request must be received by the Hearing Clerk within the applicable 30-day period. Failure to comply with these requirements will result in denial of the request for a hearing. A request for a hearing must also be accompanied by objections specific to each use of the pesticide product for which a hearing is requested.

Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

C. Consequences of Filing or Failing to File a Hearing Request

1. *Consequences of filing a timely and effective hearing request.* If a hearing on the action initiated by this Notice is requested in a timely and effective manner, the hearing will be governed by the Agency's Rules of Practice for hearings under FIFRA section 6 (40 CFR Part 164). The hearing will be limited to the specific uses and specific product registrations for which the hearing is requested.

In the event of a hearing, the specific use or uses of the specific registered

product which is the subject of the hearing will not be cancelled except pursuant to an order of the Administrator at the conclusion of the hearing or pursuant to an Accelerated Decision issued under 40 CFR 164.91.

2. *Consequence of failure to file in a timely and effective manner.* If a hearing concerning the registration of a specific pesticide product subject to this Notice is not requested by the end of the applicable 30-day period registration of that product will automatically be cancelled by operation of law unless the registrant files a request for an amended registration within the statutory period.

If the registration of a product is cancelled by operation of law, no quantity of that product produced after the effective date of cancellation may be sold or distributed in commerce by the registrant. Any quantity of a cancelled pesticide that has been put into channels of trade by the registrant before the effective date of this notice may be sold or distributed with its existing labeling by persons other than the registrant.

D. Separation of Functions

The Agency's rules of practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives.

Accordingly, the following Agency offices, and the staffs thereof, are designated as the judicial staff to perform the judicial function of the Agency in any administrative hearing on this Notice of Intent to Cancel: the office of the Administrative Law Judge, the office of the Judicial Officer, the Administrator, Deputy Administrator, and the members of the staff in the immediate office of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff may have any *ex parte* communication with the trial staff or any interested person not employed by EPA, on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

Dated: May 7, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-11522 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66127A; FRL-3020-6]

Techne Weed-D; Intent To Cancel Registration; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: This document corrects a notice of voluntary cancellations of registrations of pesticide products. The Company withdrew its voluntary cancellation request for the registration of Techne Weed-D within the 30 day comment period.

FOR FURTHER INFORMATION CONTACT: John Richards, Chief, Federal Register Staff (TS-788B), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-382-2253).

SUPPLEMENTARY INFORMATION: In FR Doc. 86-850, appearing in the Federal Register of January 22, 1986 (51 FR 2959), the product below was listed for voluntary cancellation: After the publication, the Agency received a request within the 30 day comment period to withdraw the product from the voluntary cancellation category.

Registration No.	Product name	Registrant	Date registered
1990-434.....	Techne Weed-D	Farmland Industries, P.O. Box 7305, Kansas City, MO 64116.	June 7, 1982.

Therefore, registration number 1990-434 for Techne Weed-D has not been cancelled.

Dated: May 15, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-11660 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66122A; FRL-3020-5]

Furadan 75 Wettable Powder; Intent to Cancel Registration; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: This document corrects a notice of voluntary cancellation that inadvertently cancelled the registration for Furadan 75 Wettable Powder that was published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Richards, Chief, Federal Register Staff (TS-788B), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (202-382-2253).

SUPPLEMENTARY INFORMATION: In FR Doc. 85-20307, appearing in the Federal Register of August 28, 1985 (50 FR 34908), the product below was inadvertently listed as voluntarily cancelled:

Registration No.	Product name	Registrant	Date registered
279-2875.....	Furadan 75 Wettable Powder	FMC Corporation, Agricultural Chem. Group, 2000 Market St., Philadelphia, PA 19103.	March 7, 1972.

Registration number 279-2875 for Furadan 75 Wettable Powder was erroneously listed; it has not been cancelled.

Dated: May 15, 1986.

Susan H. Sherman,

Acting Director, Office of Pesticide Programs.

[FR Doc. 86-11658 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66117A; FRL-3020-2]

Malathion 50 Emulsifiable Liquid; Intent to Cancel Registration; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: This document corrects a notice of voluntary cancellation that inadvertently cancelled the registration for Malathion 50 Emulsifiable Liquid that was published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: John Richards, Chief, Federal Register Staff (TS-788B), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (202-382-2253).

SUPPLEMENTARY INFORMATION: In FR Doc. 85-3227, appearing in the Federal Register of February 13, 1985 (50 FR 6045), the product below was inadvertently listed as voluntarily cancelled:

Registration No.	Product name	Registrant	Date registered
904-253	Malathion 50 Emulsifiable Liquid.	Pratt-Gabriel Division, Miller Chemical and Fertilizer Corp., 204 21st Ave., Paterson, NJ 07509.	January 21, 1964.

Registration number 904-253 for Malathion 50 Emulsifiable Liquid was erroneously listed; it has not been cancelled.

Dated: May 16, 1986.

Susan H. Sherman,
Acting Director, Office of Pesticide Programs.
[FR Doc. 86-11659 Filed 5-27-86; 8:45 am]
BILLING CODE 6560-50-M

[PP 5G3173/T518; FRL-3021-8]

Dow Chemical Co.; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for the residues of the herbicide 2-(3,5-dichlorophenyl)-2-(2,2,2-trichloroethyl)oxirane and its metabolite in or on certain raw agricultural commodities. These temporary tolerances were requested by Dow Chemical Co.

DATE: These temporary tolerances expire April 9, 1988.

FOR FURTHER INFORMATION CONTACT:

By Mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 245, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1800).

SUPPLEMENTARY INFORMATION: Dow Chemical Co., Agricultural Products Dept. P.O. Box 1706, Midland, MI 48640, has requested in pesticide petition PP 5G3173 the establishment of temporary tolerances for the combined residues of the herbicide 2-(3,5-dichlorophenyl)-2-(2,2,2-trichloroethyl)oxirane and its metabolite 3,5-dichlorobenzoic acid in or on the raw agricultural commodities grain sorghum, grain, forage and fodder at 0.05 part per million (ppm).

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 464-EUP-85, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary

tolerances have been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.
2. Dow Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire April 9, 1988. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

Dated: May 19, 1986.

Douglas D. Camp,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-11782 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[PP 4G3085/T517; FRL-3021-7]

Shell Oil Co.; Establishment of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established temporary tolerances for the combined residues of the herbicide *exo*-1-methyl-4-(1-methylethyl)-2-[(2-methylphenyl)methoxy]-7-oxabicyclo[2.2.1] heptane and its five mono-hydroxylated metabolites, in or on certain raw agricultural commodities. These temporary tolerances were requested by Shell Oil Co.

DATE: These temporary tolerances expire April 4, 1988.

FOR FURTHER INFORMATION CONTACT:

By mail: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 245, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1800).

SUPPLEMENTARY INFORMATION: Shell Oil Co., Suite 200, 1025 Connecticut Ave. NW., Washington, DC 20036, has requested in pesticide petition PP 4G3085 the establishment of temporary tolerances for the combined residues of the herbicide *exo*-1-methyl-4-(1-methylethyl)-2-[(2-methylphenyl)methoxy]-7-oxabicyclo[2.2.1] heptane and its five mono-hydroxylated metabolites, 7-oxabicyclo[2.2.1] heptane-1-methanol, alpha, alpha, 4-trimethyl-3,2-[(2-methylphenyl)methoxyl]-*exo*; 7-oxabicyclo[2.2.1] heptane-2-ol, *exo*-1-methyl-4-methyl-1-(1-methylethyl)-5-[(2-methylphenyl)methoxy]-, *exo*, *exo*; benzenemethanol, 2-[(1-methyl-4-(1-methylethyl)-7-oxabicyclo[2.2.1] hept-2-yloxy)methyl]-, *exo*; phenol, 4-methyl-3-[(1-methyl-4-(1-methylethyl)-7-oxabicyclo[2.2.1] hept-2-yloxy)methyl]-, *exo*, *exo*; and phenol, 3-methyl-4-[(1-methyl-4-(1-methylethyl)-7-oxabicyclo[2.2.1] hept-2-yloxy)methyl]-, *exo*, in or on the raw agricultural commodities soybeans, soybean forage, soybean fodder, cottonseed, peanuts, peanut hulls, peanut forage and peanut hay at 0.1 part per million (ppm).

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit 201-EUP-79, which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been established on the condition that the pesticide used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.
2. Shell Oil Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire April 4, 1988. Residues not in excess of these amounts remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(f).

Dated: May 19, 1986.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-11783 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

Office of Pesticides and Toxic Substances

[OPP-50656 (FRL-3021-6)]

Issuance of Experimental Use Permits; American Cyanamid Co. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail, the product manager cited in each experimental use permit at the address below:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit.

1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-116. Issuance. American Cyanamid Company, Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540. This experimental use permit allows the use of 547.5 pounds of the herbicide imazaquin and 2,190 pounds of the herbicide pendimethalin on soybeans to evaluate the control of broadleaf weeds and annual grasses. A total of 4,380 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. The experimental use permit is effective from April 17, 1986 to April 17, 1987. A permanent tolerance for residues of the active ingredients in or on soybeans has been established (40 CFR 180.361). (Robert Taylor, PM 25, Rm. 245, CM# 2, (703-557-1800))

279-EUP-101. Renewal. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 888.5 pounds of the insecticide

cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-(2-methyl-[1,1'-biphenyl]-3-yl)methyl ester on alfalfa, cotton, field corn, potatoes, sorghum, soybeans, and tobacco to evaluate the control of various insect pests. A total of 1,147 acres are involved; the program is authorized in the States of Alabama, Arizona, Arkansas, California, Connecticut, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming. The experimental use permit was previously effective from April 1, 1986 to April 1, 1986. The permit is now effective from April 21, 1986 to April 21, 1987. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (George LaRocca, PM 2, Rm. 204, CM# 2, (703-557-2400))

10163-EUP-1. Issuance. Gowan Company, P.O. Box 5696, Yuma AZ 85364. This experimental use permit allows the use of 1,200 pounds of the insecticide sodium fluoaluminate on grapes to evaluate the control of grapes leafhopper, omnivorous leafroller, and grape leaf skeletonizer. A total of 200 acres are involved; the program is authorized in the State of California. The experimental use permit is effective from April 10, 1986 to April 10, 1987. A permanent tolerance for residues of the active ingredient in or on grapes has been established (40 CFR 180.145) William Miller, PM 16, Rm. 211 CM# 2 (703-557-2600)

53219-EUP-1. Extension: Mycogen Corporation, P.O. Box 5126, Valdosta, GA 31603-5126. This experimental use permit allows the use of 92.5 pounds of the fungus *alternaria cassiae* on peanuts and soybeans to evaluate the control of sicklepod. A total of 185 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and North Carolina. The experimental use permit is effective from May 10, 1986 to May 10, 1987. A temporary tolerance for residues of the active ingredient in or on peanuts and soybeans has been established. (Richard Mountfort, PM 23, Rm. 245, CM# 2, (703-557-1830))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits

should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136c.

Dated: May 19, 1986.

Douglas D. Camp, Jr.

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-11784 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59218B; FRL-3022-9]

Toxic and Hazardous Substances Controls; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-86-38. The test marketing conditions are described below.

EFFECTIVE DATE: May 20, 1986.

FOR FURTHER INFORMATION CONTACT: Michelle Roddy, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Environmental Protection Agency, RM. E-609B, 401 M Street, SW., Washington, DC 20460, (202-475-8993).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-86-38. EPA has determined that test marketing of the new technical substance described below, under the conditions set out in the TME application, and for the time period and restrictions (if any)

specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes, uses and number of customers must not exceed those specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME-86-38. A bill of lading accompanying each shipment must state that the use of the substance is restricted to those approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available to EPA for inspection or copying in accordance with section 11 of TSCA.

1. The applicant must maintain records of the quantity of the TME substance produced and must make these records available to EPA upon request.

2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substances.

T-86-38

Date of Receipt: April 10, 1986.

Notice of Receipt: April 25, 1986 (51 FR 15685).

Applicant: Confidential.

Chemical: (G) Functionalized styrenated acrylic polymer.

Use: (G) Industrial resin for products having an open use.

Production Volume: 7,000 kg.

Number of Customers: One.

Worker Exposure: Manufacturing: Dermal, a total of 3 workers, 2 hours/day for 3 days/year. Processing: Dermal, a total of 2 workers, 2 hours/day for 10 days/year each. Use: Dermal/Inhalation, a total of 5 workers, 7 hours/day for 10 days/year each.

Test Marketing Period: Sixty days.

Commencing on: May 20, 1986.

Risk Assessment: EPA identified no significant health or environmental concerns. Therefore, the test market substance will not pose any unreasonable risk of injury to health or the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its findings that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 20, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-11907 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL-3022-3]

Water Quality Criteria; Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice of request for comments on ambient aquatic life water quality criteria documents.

SUMMARY: EPA announces the availability for public comment and provides a summary of an ambient aquatic life water quality criteria document for zinc. When published in final form after the review of public comments, these water quality criteria may form the basis for enforceable standards. These criteria are published pursuant to section 304(a)(1) of the Clean Water Act.

DATES: Written comments should be submitted to the person listed directly below by July 28, 1986.

FOR FURTHER INFORMATION CONTACT:

Dr. Frank Gostomski, Criteria and Standards Division (WH-585), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460 (202) 245-3030.

Availability of Documents: This notice contains a summary of a document containing proposed ambient water quality criteria for the protection of aquatic life and its uses. Copies of the complete criteria documents may be obtained upon requests from the person listed above. This document is also available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M St., SW., Washington, DC 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of this document are also available for review in the EPA Regional Office libraries.

SUPPLEMENTARY INFORMATION:

Background

Section 304(a)(1) of the Clean Water Act (33 U.S.C. 1314(a)(1)) requires EPA to publish and periodically update ambient water quality criteria. These criteria are to reflect the latest scientific knowledge on the identifiable effects of pollutants on public health and welfare, aquatic life, and recreation.

EPA has periodically issued ambient water quality criteria beginning in 1973 with the publication of the "Blue Book" (Water Quality Criteria 1972). In 1976, the "Red Book" (Quality Criteria for Water) was published. On November 28, 1980 (45 FR 79318), EPA announced the publication of 64 individual ambient water quality criteria documents for pollutants listed as toxic under section 307(a)(1) of the Clean Water Act. A document addressing 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) was announced on February 15, 1984 (FR 49: 5831) completing the coverage of the 65 priority pollutants listed in 307(a)(1). Nine ambient water quality criteria documents, including revision of seven of the 1980 documents, were released on July 29, 1985 (50 FR 30784). A bacteriological ambient water quality criteria document was published on March 7, 1986 (51 FR 8012).

Today EPA is announcing the availability for public comment of a proposed ambient aquatic life water quality criteria document for zinc. This document, upon final publication will update and revise appropriate sections of the 1980 criteria document.

The document announced today will not contain information on the effects of zinc on human health. An advisory will be issued to update the human health section of the 1980 ambient water quality criteria document for zinc, if a review of the available information indicates that such a revision is necessary. Both the criteria document announced today and the water quality advisory addressing human health may form the basis for enforceable standards, when published in final form.

Dated: May 13, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

Zinc

Freshwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, freshwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration (in $\mu\text{g/l}$) of zinc does not exceed the numerical value given by $e^{(0.8195 \ln(\text{hardness}) + 0.6881)}$ more than once every three years on the average and if the one-hour average concentration (in $\mu\text{g/l}$) does not exceed the numerical value given by $e^{(0.8195 \ln(\text{hardness}) + 0.7871)}$ more than once every three years on the average. For example, at hardnesses of 50, 100, and 200 mg/l

as CaCO_3 the four-day average concentrations of zinc are 49, 86, and 150 $\mu\text{g/l}$, respectively, and the one-hour average concentrations are 54, 96, and 170 $\mu\text{g/l}$.

Saltwater Aquatic Life

The procedures described in the "Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses" indicate that, except possibly where a locally important species is very sensitive, saltwater aquatic organisms and their uses should not be affected unacceptably if the four-day average concentration of zinc does not exceed 79 $\mu\text{g/l}$ more than once every three years on the average and if the one-hour average concentration does not exceed 87 $\mu\text{g/l}$ more than once every three years on the average.

EPA believes that "acid-soluble" is probably the best measurement at present for expressing criteria for metals and the criteria for zinc were developed on this basis. However, at this time, no EPA approved method for such a measurement is available to implement criteria for metals through the regulatory programs of the Agency and the States. The Agency is considering development and approval of a method for a measurement such as "acid-soluble". Until one is approved, however, EPA recommends applying criteria for metals using the total recoverable method. This has two impacts: (1) Certain species of some metals cannot be measured because the total recoverable method cannot distinguish between individual oxidation states, and (2) in some cases these criteria might be overly protective when based on the total recoverable method.

The allowed average excursion frequency of three years is the Agency's best scientific judgment of the average amount of time it will take an unstressed aquatic ecosystem to recover from a pollution event in which exposure to zinc exceeds the criterion. Stressed systems, for example, one in which several outfalls occur in a limited area, would be expected to require more time for recovery. The resiliencies of ecosystems and their abilities to recover differ greatly, however, and site-specific criteria may be established if adequate justification is provided.

Use of criteria for developing water quality-based permit limits and for designing waste treatment facilities requires selection of an appropriate wasteload allocation model. Dynamic models are preferred for the application of these criteria. Limited data or other considerations might make their use impractical, in which case one must rely

on a steady-state model. The Agency recommends interim use of 1Q5 and 1Q10 for the Criterion Maximum Concentration (CMC) design flow and 7Q5 and 7Q10 for the Criterion Continuous Concentration (CCC) design flow in steady-state models for unstressed and stressed systems, respectively. These matters are discussed in more detail in the Technical Support Document for Water Quality-Based Toxics Control (U.S. EPA 1985).

[FR Doc. 86-11874 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-36123; (FRL-3021-4)]

Tuberculocidal Activity Testing Methods for Antimicrobial Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Policy on Testing Methods.

SUMMARY: This notice announces three tuberculocidal activity testing options that will be permitted by the Agency. Applicants/registrants of all antimicrobial pesticides with proposed or existing tuberculocidal claims for their stressed (re-used) and/or non-stressed (discarded daily) product solutions must choose one testing approach for the development of data to substantiate tuberculocidal effectiveness.

EFFECTIVE DATE: May 28, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: D. Jean Jenkins, Registration Division (TS-767C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, Virginia, (703-557-7443).

SUPPLEMENTARY INFORMATION: Since 1976 the Agency has been advised by numerous registrants, testing laboratories, researchers, and other scientific groups that inconsistent test results were being obtained when glutaraldehyde-based products were tested by the Association of Official Analytical Chemists (AOAC) Tuberculocidal Activity Method at 20°C at 10 minutes exposure. Such findings were not reported for other chemical classes (i.e., phenolics, iodine). Researchers have indicated that glutaraldehyde-based products require longer exposure times and/or higher temperatures for tuberculocidal activity than those specified in the AOAC Tuberculocidal Activity Method. Similar

inconsistencies were experienced in the preregistration tuberculocidal testing of antimicrobial pesticides by the EPA microbiological testing facility in Beltsville, Maryland between 1971 and 1979. Adverse tuberculocidal data on glutaraldehyde-based products, developed by the established AOAC method, were submitted to the Agency under FIFRA section 6(a)(2) in 1979 and 1983.

Quaternary ammonium compounds are generally considered to be non-tuberculocidal. However, registrations have been issued for products in this chemical class which bear tuberculocidal efficacy claims, based on tuberculocidal data developed by the AOAC procedure and submitted in support of registration. The EPA tuberculocidal testing facility also obtained inconsistent test results when products in this chemical class were tested for tuberculocidal activity by the AOAC procedure.

In 1983, the AOAC Associate Referee for the AOAC Tuberculocidal Activity Method submitted a new quantitative tuberculocidal procedure for Agency consideration as an alternative testing method. The Agency distributed this new quantitative tuberculocidal procedure on May 21, 1984, in conjunction with the Label Improvement Program for registrants of glutaraldehyde-based hospital sterilant/disinfectant products. The new procedure was identified as an option alternative to the AOAC Tuberculocidal Activity Method for glutaraldehyde-based disinfectant products.

Subsequently, controversy arose concerning the validity of the new quantitative procedure and of the established AOAC method. In September 1984, an EPA Scientific Advisory Panel (SAP) Subpanel was established to evaluate the new procedure. The consensus of this Subpanel was that the new procedure had scientific merit but that more testing was needed before adoption as a standard method. In July 1985, a new SAP Subpanel was selected to provide a comparative assessment of the existing AOAC Tuberculocidal Activity Method and the new quantitative tuberculocidal procedure. A public meeting of the SAP Subpanel was held on September 30, 1985, and comments were solicited from the public and interested parties.

Having received the findings of the first and second SAP Subpanel and public comments relative to the tuberculocidal activity testing methods, the Agency announces the following regulatory policy:

1. Manufacturers/registrants/applicants of all antimicrobial pesticides

with proposed or existing tuberculocidal claims for their stressed (re-used) and/or non-stressed (discarded daily) product solutions must choose one of three available tuberculocidal testing options to substantiate claims of tuberculocidal effectiveness. The testing options are as follow:

a. Use of the new quantitative tuberculocidal procedure.

b. Use of the existing AOAC Tuberculocidal Activity Method, but with modification of the standard test conditions of contact/exposure time and/or temperature that are necessary to achieve tuberculocidal effectiveness.

c. Use of the existing AOAC Tuberculocidal Activity Method, employing the standard test conditions of 10 minutes exposure time and 20° C. Since the tuberculocidal efficacy of glutaraldehyde-based products at 10 minutes exposure time and 20° C is questionable, selection of option (c) for glutaraldehyde-based products must be accompanied by validation data, based on the same test conditions (10 minutes at 20°C), from a second testing facility, (other than the laboratory that developed the original data). Registrants and/or applicants for registration are advised that withholding test results from the Agency which indicate failing tuberculocidal efficacy at 10 minutes and 20°C constitutes violation of FIFRA section 6(a)(2) concerning information required to be reported to the Agency.

2. Registrants and applicants for products with existing or proposed tuberculocidal claims, that are formulated with quaternary ammonium compounds will be permitted to base their tuberculocidal claims on data developed by optional procedures (a), (b), or (c) above. However, validation testing from a different laboratory will be required for any optional procedure chosen by the registrant/applicant for this chemical class of products. This validation testing requirement is considered necessary and warranted since it is questionable that quaternary ammonium compounds are tuberculocidal under any test conditions.

3. Registrants or applicants for products with existing or proposed tuberculocidal efficacy claims, that are formulated with chemical groups other than glutaraldehyde or quaternary ammonium compounds, are permitted at this time to base their tuberculocidal claims on any one of the three optional test procedures ((a), (b), or (c)) without the required validation testing. Validation testing is not necessary since it has been currently determined that reliable and reproducible test results are obtained for chemicals other than

glutaraldehyde or quaternary ammonium compounds, using test conditions of 10 minutes contact time and 20°C. Should the tuberculocidal efficacy of other chemicals at 10 minutes exposure and 20°C be considered questionable in the future, validation testing will be required.

4. The contact/exposure time and temperature necessary to achieve effective use of the product must be reflected in the directions for use on the product label.

5. Applicants for registration of new antimicrobial pesticide products bearing tuberculocidal activity claims are required to provide supporting tuberculocidal activity claims are required to provide supporting tuberculocidal data by one of the three testing options and any required validation data prior to issuance of registration.

6. Registrants of antimicrobial pesticide products which do not currently bear tuberculocidal claims, but who wish to amend their product registration and label to add a tuberculocidal activity claim, are required to provide supporting tuberculocidal data by one of the three testing options and any required validation data prior to acceptance of the requested amendment.

7. Registrants of antimicrobial pesticide products with existing tuberculocidal activity claims which are not supported by one of the three testing options and any required validation data must provide data by one of the three options and any required validation data within 180 days of their response to a notification under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) by the Agency in order to avoid suspension of their product registration.

8. The Agency will support review and collaborative testing of the new quantitative procedure by the AOAC as a replacement for the existing AOAC Tuberculocidal Activity Method, or as an additional alternative procedure.

9. The Agency will notify affected registrants, under the authority of FIFRA section 3(c)(2)(B), of the specific requirements for compliance with this announced tuberculocidal testing policy and the action that will be taken in the event of non-compliance.

The Agency believes that the validity of tuberculocidal efficacy claims for antimicrobial pesticides is a critical concern due to the public health implications of environmental contamination with *Mycobacterium tuberculosis* microorganisms. Therefore, it is for this reason that the Agency

sought a scientific consensus on the validity of tuberculocidal test methodology, and announces the required testing approaches to documentation of tuberculocidal effectiveness of antimicrobial pesticides.

Dated: May 18, 1986.

Steven Schatzow,

Director, Office of Pesticide Programs.

[FR Doc. 86-11786 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Licensing of Ocean Freight Forwarders; Extension of Time for Filing Comments

May 22, 1986.

On April 23, 1986 (published at 51 FR 15834, Apr. 28, 1986) the Commission noticed the filing of a petition by the National Customs Brokers & Forwarders Association of America, Inc. requesting the Commission to amend its rules pertaining to the licensing of ocean freight forwarders. Interested persons were given until May 30, 1986, to submit views, arguments or data on the petition.

The Transpacific Westbound Rate Agreement (TWRA) has now filed a request for a three week extension of time in which to file comments. TWRA indicates that the current deadline is too short for its members to properly evaluate the petition and formulate an appropriate response.

Accordingly, for good cause shown, the Commission will extend the date for all comments from May 30, 1986, to June 23, 1986.

By the Commission.

John Robert Ewers,

Secretary.

[FR Doc. 86-11917 Filed 5-27-86; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Applications

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Amex International, Inc., 1725 K Street, NW., Suite 402, Washington, DC 20006

Officers:

Mamadi Diane, President/Treasurer/Director

Hee Chang Park, Vice President/Director

Cynthia Diane, Secretary/Director
Mori Diane, Vice President.

Myra Sims, 3226 Talleyrand Avenue, Jacksonville, FL 32206

Airport Clearance Service, Inc., Cargo Building 80, JFK International Airport, Jamaica, NY 11430

Officer:

John J. Emanuele, Vice President
Trion Forwarding Company, Inc., 16038 Vickery, Suite 200, Houston, TX 77032

Officers:

Robert Wayne Allmaras, President
James Thomas Hanges, Vice President

By the Federal Maritime Commission

Dated: May 22, 1986.

John Robert Ewers,

Secretary.

[FR Doc. 86-11916 Filed 5-27-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Ozark Bankshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.24) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than June 18, 1986.

A. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Ozark Bankshares, Inc.*, Ozark, Arkansas; to acquire at least 80 percent of the voting shares of Newco Corporation, Jasper, Arkansas, and thereby indirectly acquire Newton County Bank, Jasper, Arkansas, and Bankstock Two, Inc., Dardanelle, Arkansas, and thereby indirectly acquire Arkansas Valley Bank, Dardanelle, Arkansas.

Board of Governors of the Federal Reserve System, May 21, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-11841 Filed 5-27-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86F-0173]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of thiiodiethylene bis(3,5-di-tert-butyl-4-hydroxyhydrocinnamate) as an antioxidant for polymers intended to contact food.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3926) has been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of thiiodiethylene bis(3,5-di-tert-butyl-4-hydroxyhydrocinnamate) as an antioxidant for polymers intended to contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental

impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the Federal Register in accordance with 21 CFR 25.40(c), as published in the Federal Register of April 26, 1985 (50 FR 16636).

Dated: May 15, 1986.

Richard J. Ronk,
Acting Director, Center for Food Safety and
Applied Nutrition.

[FR Doc. 86-11843 Filed 5-27-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0281]

Mobil Chemical Co.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of a petition (FAP 3B3724) proposing that the food additive regulations be amended to provide for the safe use of pentaerythritol esters of fatty acids as surface lubricants in the manufacture of metallic articles in contact with food.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 21, 1983 (48 FR 43096), FDA published a notice that it had filed a petition (FAP 3B3724) from Mobil Chemical Co., 150 East 42d St., New York, NY 10017, that proposed to amend the food additive regulations to provide for the safe use of pentaerythritol esters of fatty acids as surface lubricants in the manufacture of metallic articles in contact with food. Mobil Chemical Co. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: May 15, 1986.

Richard J. Ronk,
Acting Director, Center for Food Safety and
Applied Nutrition.

[FR Doc. 86-11844 Filed 5-27-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86M-0168]

Sharplan Lasers, Inc.; Permarket Approval of Sharplan Model 702 Nd: YAG Laser

Correction

In FR Doc. 86-10284, beginning on page 17099 in the issue of Thursday, May 8, 1986, make the following corrections:

1. On page 17099, in the third column, the fifteenth from last line should read "Evaluation, CDRH."

2. On page 17100, in the first column, in the eleventh line of the first paragraph, "of a review" should read "or a review".

3. Also on page 17100 in the first column, in the sixth from last line of the first paragraph, between "petition," and "FDA" insert "FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If".

BILLING CODE 1505-01-M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 51 FR 15699-70, April 25, 1986) is amended to reflect the following changes: (1) Recode the Standard Administrative Codes (SACs) for the NIH research institutes, divisions, and centers listed below; (2) delete the title Office of the Director and Deputy Directors (HNA1); and (3) change the Standard Administrative Code (SAC) for the Division of Equal Opportunity. These actions are internal administrative realignments and represent no change in mission or reporting relationships for the affected organizations.

Section HN-B, Organization and Functions is amended as follows:

(1) Change the Standard Administrative Codes (SACs) for the following research institutes, divisions, and centers:

National Eye Institute (HN-W) to National Eye Institute (HNW); National Institute of Allergy and Infectious Diseases (HN-M) to National Institute of Allergy and Infectious Diseases

(HN-M); National Institute on Aging (HN-X) to National Institute on Aging (HNN); National Institute of Child Health and Human Development (HN-T) to National Institute of Child Health and Human Development (HNT); National Institute of Dental Research (HN-P) to National Institute of Dental Research (HNP); National Institute of Arthritis and Musculoskeletal and Skin Diseases (HN-Y) to National Institute of Arthritis and Musculoskeletal and Skin Diseases (HNB); National Institute of Environmental Health Sciences (HN-V) to National Institute of Environmental Health Sciences (HNV); National Institute of General Medical Sciences (HN-S) to National Institute of General Medical Sciences (HNS); National Institute of Neurological and Communicative Disorders and Stroke (HN-Q) to National Institute of Neurological and Communicative Disorders and Stroke (HNC); Clinical Center (HN-2) to Clinical Center (HNC); John E. Fogarty International Center for Advanced Study in the Health Sciences (HN-5) to John E. Fogarty International Center for Advanced Study in the Health Sciences (HNF); Division of Research Grants (HN-1) to Division of Research Grants (HNG); Division of Research Services (HN-3) to Division of Research Services (HNE); Division of Computer Research and Technology (HN-6) to Division of Computer Research and Technology (HNU); Division of Research Resources (HN-4) to Division of Research Resources (HNR), and National Center for Nursing Research (HN-7) to National Center for Nursing Research (HN2).

(2) Delete the title *Office of the Director and Deputy Directors (HNA1)* in its entirety.

(3) Under the heading *Office of the Director (HNA)*, add "and assists the Assistant Secretary for Health in the formulation of national health policy" to the functional statement.

(4) Change the Standard Administrative Code for the *Division of Equal Opportunity (HNA12)* to the *Division of Equal Opportunity (HNA-2)*.

Dated: May 8, 1986.

Wilford J. Forbush,

Deputy Assistant Secretary for Health
Operations and Director, Office of
Management, PHS.

[FR Doc. 86-11998 Filed 5-27-86; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Grazing Advisory Boards;
Establishment

Correction

In FR Doc. 86-10803 beginning on page 17674 in this issue of Wednesday, May 14, 1986, make the following corrections:

1. On page 17674, in the third column, in the seventh line, "of" should read "or". Also under the state heading "Arizona" in the fifth line "Resources" should read "Resource".

2. On page 17675, in the first column, under the state heading "Wyoming", in the sixth and seventh lines, the text beginning with "Worland" should appear as a separate indented entry.

3. On page 17675, in the second column, in the twelfth line from the bottom of the column, "of" should read "or".

BILLING CODE 1505-01-M

President's Commission on Americans
Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the President's Commission on Americans Outdoors (Commission) will be held Monday, June 2, 1986, starting at 9:00 am, Alaska Standard Time, in the William A. Egan Civic & Convention Center, Room 2, Lower Level; 555 West 5th Avenue, Anchorage, Alaska 99501.

This will be a hearing to obtain information on the kinds of programs that are provided and opportunities afforded in recreation programs in this country. Attendees have been invited by the Commission for this public hearing; however interested parties may request time to testify by contacting the Commission.

This meeting is opened to the public, interested persons may attend. The Commission contact is Mr. James Gasser, and he may be contacted at the President's Commission on Americans Outdoors, P.O. Box 18547, 1111—20th Street NW, Washington, DC 20036-8547, (202) 634-7310.

Dated: May 20, 1986.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 86-11879 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-70-M

President's Commission on Americans
Outdoors; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-453), as amended, notice is hereby given that a meeting of the President's Commission on Americans Outdoors (Commission) will be held Thursday, June 5, 1986, starting at 9:00 a.m., in the Auditorium of the Seattle Aquarium, Pier 59, Waterfront Park, Seattle, Washington, 98101.

This will be a hearing to obtain information on the kinds of programs that are provided and opportunities afforded in recreation programs in this country. Attendees have been invited by the Commission for this public hearing; however interested parties may request time to testify by contacting the Commission.

This meeting is open to the public, interested persons may attend. The Commission contact is Mr. James Gasser, and he may be contacted at the President's Commission on Americans Outdoors, P.O. Box 18547, 1111—20th Street, NW., Washington, DC 20036-8547, (202) 634-7310.

Dated: May 20, 1986.

Victor H. Ashe,

Executive Director, President's Commission on Americans Outdoors.

[FR Doc. 86-11880 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Land Management

New Mexico Off-Road Vehicle
Designations; Las Cruces District, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Decision.

SUMMARY: All public lands administered by Bureau of Land Management in the 690,500 acre Divide Planning Area, Socorro Resource Area, Las Cruces District, are hereby designated open, limited, or closed to off-road motorized vehicle use.

The 690,500 acre area affected by the designations is known as the Divide Planning Area (Socorro Resource Area), which includes lands in Catron and Socorro Counties in New Mexico. These designations are the result of land use decisions made in the Divide Management Framework Plan (MFP) approved February 1, 1983. Comments received from public meetings, hearings and numerous written responses on the Draft MFP were considered in the designation decisions.

These designations are final as published May 31, 1986. Under 43 CFR

4.21, an appeal may be filed within 30 days with the Interior Board of Land Appeals. The designations will remain in effect until rescinded or modified by the Las Cruces District Manager.

A. Open Designation

Areas which are designated open comprise 552,839 acres of public land in the Divide Planning Area of the Socorro Resource Area. An open designation was determined to be appropriate for these lands since off-road motorized vehicle use is an important recreational activity, is essential to the conduct of other authorized uses, and impacts to natural resources would not be significant.

B. Limited Designation

Eleven areas, comprising 137,661 acres are designated limited to existing roads and trails. These areas are as follows:

1. Use Limited to existing roads and trails.

a. Eagle Peak Wilderness Study Area (WSA)—43,960 acres. The Eagle Peak WSA is located in Catron County in west-central New Mexico approximately 6 air miles west of Quemado. Use is limited to maintain the scenic values and cultural resources within the area.

b. Mesita Blanca Wilderness Study Area (WSA)—19,414 acres. The Mesita Blanca WSA is located in Catron County in west-central New Mexico approximately 20 air miles west of Quemado. Use is limited to maintain the scenic and cultural resources within the area.

c. Continental Divide Wilderness Study Area (WSA)—68,761 acres. The Continental Divide WSA is located in Catron County in west-central New Mexico approximately 29 air miles south of Datil. Use is limited to maintain the scenic, cultural and wildlife resources within the area.

d. Horse Mountain Wilderness Study Area (WSA)—5,032 acres. The Horse Mountain WSA is located in Catron County in west-central New Mexico approximately 25 air miles southwest of Datil. Use is limited to maintain the scenic, recreational and wildlife resources within the area.

e. Cox Ranch Pueblo—40 acres. The Cox Ranch Pueblo is located in Catron County in west-central New Mexico approximately 8 air miles north of Quemado. Use is limited to protect cultural resources.

f. Kellog Canyon—10 acres. The Kellog Canyon is located in Catron County in west-central New Mexico approximately 15 air miles southeast of

Datil. Use is limited to protect cultural resources.

g. Newton Communities—160 acres. The Newton Communities is located in Catron County in west-central New Mexico approximately 25 air miles north of Datil. Use is limited to protect cultural resources.

h. Zuni Salt Lake—160 acres. The Zuni Salt Lake is located in Catron County in west-central New Mexico approximately 10 air miles northwest of Quemado. Use is limited to maintain scenic and cultural resources within the area.

i. Cerro Colorado—40 acres. The Cerro Colorado is located in Catron County in west-central New Mexico approximately 15 air miles southeast of Datil. Use is limited to maintain scenic and cultural resources within the area.

j. Twenty Two Springs—20 acres. The Twenty Two Springs is located in Catron County in west-central New Mexico approximately 25 air miles northwest of Quemado. Use is limited to maintain scenic and cultural resources within the area.

k. Datil Well Campground—20 acres. The Datil Well Campground is located in Catron County in west-central New Mexico, approximately 1 air mile west of Datil. Use is limited to enhance the use of developed recreational facilities and maintain the natural resources surrounding the campground.

C. Closed Designation

None, however emergency closures will be used should the need arise.

FOR FURTHER INFORMATION CONTACT: Harlen Smith, Area Manager, Bureau of Land Management, Las Cruces District, Socorro Resource Area, 198 Neel Avenue, NW., Socorro, NM 87801.

Dated: May 16, 1986.

H. James Fox,
District Manager.

[FR Doc. 86-1139 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-FB-M

Mineral Management Service

Oil and Gas and Sulphur Operation in the Outer Continental Shelf; Mobile Exploration & Producing Southeast Inc.

AGENCY: Mineral Management Service.
ACTION: Receipt of a Proposed Development Operations Coordination Document.

SUMMARY: This Notice announces that Mobil Exploration & Producing Southeast Inc., Unit Operator of the Ship Shoal Block 72 Federal Unit Agreement

No. 14-08-001-2945, submitted on March 28, 1986, and May 15, 1986, a proposed Development Operations Coordination Document describing the activities it proposes to conduct on the Ship Shoal Block 72 Federal unit.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Mineral Management Service is considering approval of the plan and that it is available for public review at the offices of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Mineral Management Service, Record Management Section, Room 143, open weekdays 9:00 a.m. to 3:30 p.m. 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in the proposed development operations coordination document available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: May 19, 1986.

J. Rogers Percy,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-11840 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention to Negotiate Concession contract With Chisos Remuda

Pursuant to the provisions of section 5 of the Act of October 9, 1965, 16 U.S.C. 20, public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Chisos Remuda, authorizing it to continue to provide saddle horse rental and associated guide services and facilities for the public at Big Bend National Park, Texas, for a period of five (5) years from January 1, 1987 through December 31, 1991.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and

no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which will expire by limitation of time on December 31, 1986, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Superintendent, Big Bend National Park, Texas, 79834, telephone number (915) 477-2251, for information as to the requirements of the proposed contract.

Dated: April 24, 1986.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 86-71860 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 17, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by June 12, 1986.

Carol D. Shull,

Chief of Registration National Register.

Alabama

Mobile County

Mobile, Magnolia Cemetery, Ann and Virginia Sts.

Arkansas

Monroe County

Brinkley, Rusher Hotel, 127 W. Cedar.

Connecticut

Hartford County

West Hartford (also in Hartford), Hartford Golf Club Historic District, Simsbury Rd., Bloomfield and Albany Aves., Norwood Rd., Mohawk, and Mohegan Drs.

Litchfield County

New Milford, *New Milford Historic District*, Bennett & Elm, Center Cemetery, East St., S. Main, Mill, and Railroad.

New Haven County

Derby, *Osbornedale*, 500 Hawthorne Ave. Wallingford, *Simpson, Samuel, House*, 216 N. Main St.

Windham County

Pomfret, *Brayton Grist Mill*, US 44.

Florida**Pinellas County**

St. Petersburg, *Potter House*, 557 Second St. S.
St. Petersburg, *St. Petersburg Public Library*, 280 Fifth St. N.

Georgia**Fulton County**

Atlanta, *St. Andrews Apartments*, 1041 W. Peachtree St.

Liberty County

Midway vicinity, *Dorchester Academy Boy's Dormitory*, GA 38 (US 82).

Idaho**Nez Perce County**

Lewiston, *Breier Building*, 631—633 Main St.

Indiana**Blackford County**

Hartford City, *First Presbyterian Church*, 220 N. High St.

Delaware County

Bethel vicinity, *Garner, Job—Miller, Jacob W., House*, Bethel Pike at CR 700 W.

Huntington County

Huntington, *Purviance, Samuel, House*, 326 S. Jefferson.

Marion County

Indianapolis, *Coburn, Henry P., Public School #66*, 604 E. 38th St.

Monroe County

Smithville vicinity, *Mitchell, Joseph, House*, 7008 Ketcham Rd.

Maine**Androscoggin County**

Auburn, *Garcelon, A. A., House*, 223 Main St.

Aroostock County

Sherman, *Leavitt, A.B., House*, ME 158.

Kennebec County

Gardiner, *Christian Science Church*, 17 Lincoln Ave.

Lincoln County

Dresden, *Dresden Brick School House*, ME 128.

Oxford County

Fryeburg, *Church of New Jerusalem*, 4 Oxford St., Lovell, *Lovell Village Church*, Church St.

North Waterford, *North Waterford Congregational Church*, Off ME 35

Penobscot County

Bangor, *Bryant, Charles G., Double House*, 16—18 Division St.

York County

Parsonsfield, *Parsonsfield Seminary*, ME 160.

Massachusetts**Essex County**

Lynn, *U.S. Post Office—Lynn Main*, 51 Willow St.

Newburyport, *U.S. Post Office—Newburyport Main*, 61 Pleasant St.

Middlesex County

Acton, *Exchange Hall*, Quimby Square on School St.

Acton, *Jones Tavern*, 128 S. Main St.

Cambridge, *Central Square Post Office*, 770 Massachusetts Ave.

Lexington, *U.S. Post Office—Lexington Main*, 1661 Massachusetts Ave.

Medford, *U.S. Post Office—Medford Main*, 20 Forest St.

Suffolk County

South Boston, *U.S. Post Office Garage*, 135 A St.

Michigan**Wexford County**

Cadillac, *Old Cadillac City Hall*, 201 Mitchell St.

Minnesota**Cottonwood County**

Mountain Lake, *Bargen, Isaac, House*, 1215 Mountain Lake Rd.

Westbrook, *Chicago, St. Paul, Minneapolis, and Omaha Depot*, 4th St. at First Ave.

Douglas County

Alexandria, *Nelson, Knute, House (Proposed Move)*, 420 Twelfth Ave. SE.

Freeborn County

Albert Lea, *Wedge, Dr. Albert C., House*, 216 W. Fountain St.

Kandiyohi County

Alwater, *Hotel Atwater*, 322 Atlantic Ave.

Mower County

Grand Meadow, *Booth Post No. 130—Grand Army of the Republic Hall*, S. Main St. Between First and Second Sts.

Renville County

Olivia, *Renville County Courthouse and Jail*, Depue Ave. E. and Fifth St. S.

St Louis County

Hibbing, *Androy Hotel*, 592 E. Howard St.

Stearns County

St. Cloud, *Carter Block*, 501—511 First St. N.

Yellow Medicine County

Clarkfield vicinity, *Swede Prairie Progressive Farmers' Club*, CR 9.

Missouri**Saline County**

Marshall, *Baity Hall*, Missouri Valley College, 500 E. College.

Utah**Wasatch County**

Midway, *Bonner, George, Sr., House (Architecture of John Watkins TR)*, 103 E. Main

Midway, *Bonner, George, Jr., House (Architecture of John Watkins TR)*, 90 E. Main

Midway, *Bonner, William, House (Architecture of John Watkins TR)*, 110 E. Main.

Midway, *Coleman, William, House (Architecture of John Watkins TR)*, 180 N. Center

Midway, *Watkins, John and Margaret, House (Architecture of John Watkins TR)*, 22 W. Hundred S.

Virginia**Petersburg (Independent City)**

Centre Hill Historic District, *Henry, N. Adams, N. Jefferson, Franklin, and E. Washington Sts., Centre Hill Court and Centre Hill Ave.*

Wisconsin**Dunn County**

Menomonie, *Menomonie Downtown Historic District*, Roughly bounded by Main, Crescent, Fifth, Wilson, Second, and Broadway.

Grant County

Platteville, *Rountree, J.H., Mansion*, 150 Rountree Ave.

Jefferson County

Fort Atkinson, *Merchants Avenue Historic District*, Roughly bounded by S. Milwaukee Ave. E. Foster St., Whitewater Ave. and S. Third St. E.

Milwaukee County

Milwaukee, *Cass—Wells Street Historic District*, 712, 718 and 724 E. Wells St., and 801, 809, 815, 819 and 823 N. Cass St.

Milwaukee, *Plankinton—Wells—Water Street Historic District*, Roughly bounded by Wells St. Bridge, N. Water St., E. Mason, W. Wells and N. Second Sts.

Outagamie County

Appleton, *Zion Lutheran Church*, 912 N. Oneida St.

[FR Doc. 86-11834 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-70-M

Aircraft Management Plan, Grand Canyon National Park, AZ; Public Meetings

Notice is hereby given that public meetings will be held at the following locations and times for the purpose of receiving comments on the management of aircraft overflights at Grand Canyon National Park.

June 9, 1986, at 7:30 p.m.

Imperial Palace, 3535 Las Vegas Boulevard South, Las Vegas, Nevada

June 10, 1986, at 7:30 p.m.

Golden Gate National Recreation Area
Park Headquarters, Building 201, Fort
Mason, San Francisco, California

June 11, 1986, at 7:30 p.m.

Board of Supervisors' Auditorium, 205
West Jefferson, Phoenix, Arizona

June 12, 1986, at 7:30 p.m.

City Council Chambers, 211 West Aspen,
Flagstaff, Arizona

Copies of an environmental
assessment describing potential
alternatives to address this issue may be
obtained from the Superintendent,
Grand Canyon National Park, P.O. Box
129, Grand Canyon, Arizona 86023, (602)
638-7701 or from the Regional Director,
Western Region, National Park Service,
450 Golden Gate Avenue, Box 36063,
San Francisco, California 94102, (415)
556-5560.

Interested individuals, representatives
of organizations, and public officials are
invited to express their views in person
at the aforementioned public meetings.
Those not wishing to appear in person
may submit written statements to the
Superintendent on the environmental
assessment which will be accepted until
August 1, 1986.

Time limitations may make it
necessary to limit the length of verbal
presentations, to restrict to one person
the presentation made in behalf of an
organization, and to allow an individual
to make only one statement during the
entire set of public meetings. A verbal
statement may, however, be
supplemented by a more complete
written statement which may be
submitted to the moderator at the time
of presentation of the verbal statement
or sent to the Superintendent at the
above address. Written statements
presented in person at the meetings will
be considered for inclusion in the
official record; however, all materials
presented at the meeting shall be subject
to a determination by the moderator that
they are appropriate for inclusion in the
official record.

After an explanation of the
environmental assessment by a
representative of the National Park
Service, the moderator, insofar as
possible, will adhere to the following
order in calling for the presentation of
verbal statements:

1. Governor of the State or his
representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the
counties in which the National Park
Service unit is located.
5. Officials of other Federal agencies
or public bodies.
6. Organizations.
7. Individuals.

Each meeting will be recorded for
documentation purposes only and will
not be transcribed for dissemination.

Dated: April 29, 1986.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 86-11929 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-70-M

Information Collection Submitted for Review Under the Paperwork Reduction Act

The proposal for the collection of
information listed below has been
submitted to the Office of Management
and Budget for approval under the
provisions of the Paperwork Reduction
Act (44 U.S.C. Chapter 35). Copies of the
proposed information collection
requirement and related forms and
explanatory material may be obtained
by contacting the Bureau's clearance
officer at the phone number listed
below. Comment and suggestions on the
requirement should be made directly to
the Bureau clearance officer and the
Office of Management and Budget
reviewing official, Washington, DC
20503, telephone 202/395-7340.

Title: Land and Water Conservation

Fund Conversion of Use Provisions

Abstract: In order to convert sites and
facilities assisted under this program
to non-public recreation uses, the
grant recipient must submit
documentation for NPS consideration
and approval. Documentation
includes appraisal reports, statements
regarding need for the conversion, and
such additional information as may be
necessary.

Bureau Form Number: N/A

Frequency: On occasion

Description of Respondents: State
governments

Annual Responses: 55

Annual Burden Hours: 1,925

Bureau Clearance Officer: Russell K.
Olsen, 202/523-5133.

Russell K. Olsen,

Information Collection Clearance Officer.

[FR Doc. 86-11833 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-70-M

Information Collection Submitted for Review Under the Paperwork Reduction Act

The proposal for the collection of
information listed below has been
submitted to the Office of Management
and Budget for approval under the
provisions of the Paperwork Reduction
Act (44 U.S.C. Chapter 35). Copies of the
proposed information collection
requirement and related forms and

explanatory material may be obtained
by contacting the Bureau's clearance
officer at the phone number listed below.
Comment and suggestions on the
requirement should be made directly to
the Bureau clearance officer and the
Office of Management and Budget
reviewing official, Washington, DC
20503, telephone 202/395-7340.

Title: Urban Park & Recreation Recovery

Program Conversion of Use Provisions

Abstract: In order to convert sites and
facilities assisted under this program
to non-public recreation uses, the
grant recipient must submit
documentation for NPS consideration
and approval. Documentation
includes statements regarding need
for the conversion, information
regarding proposed replacement
property and such additional
information as may be necessary.

Bureau Form Number: N/A

Frequency: On occasion

Description of Respondents: Local
governments

Annual Responses: 5

Annual Burden Hours: 125

Bureau Clearance Officer: Russell K.
Olsen, 202/523-5133.

Russell K. Olsen,

Information Collection Clearance Officer.

[FR Doc. 86-11884 Filed 5-27-86; 8:45 am]

BILLING CODE 4310-70-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations;
Applications for Unlisted Trading
Privileges and of Opportunity for
Hearing; Boston Stock Exchange, Inc.

May 22, 1986.

The above named national securities
exchange has filed applications with the
Securities and Exchange Commission
pursuant to Section 12(f)(1)(B) of the
Securities Exchange Act of 1934 and
Rule 12f-1 thereunder, for unlisted
trading privileges in the following
securities:

Audio-Video Affiliates, Inc.

Common Stock, \$1.00 Par Value (File
No. 7-8970)

Blair (John) & Co.

Common Stock, \$1.00 Par Value (File
No. 7-8971)

Burger King Investors Master, L.P.

Units of Partnership Interests (File No.
7-8972)

Mylan Laboratories, Inc.

Common Stock, \$0.50 Par Value (File
No. 7-8973)

Manpower, Inc.

Common Stock, \$1.50 Par Value (File
No. 7-8974)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 13, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 86-11923 Filed 5-27-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23249; File No. 4-289]

Self-Regulatory Organizations, Filing of Proposed Plan by the Philadelphia Stock Exchange, Inc.; Quarterly Reporting of Minor Rule Violations

Pursuant to Section 19(d)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19d-1(c)(2) thereunder,¹ notice is hereby given that on May 2, 1986, the Philadelphia Stock Exchange, Inc. ("Phlx") submitted copies of a proposed plan specifying those uncontested minor rule violations with sanctions not exceeding \$2,500 which would not be subject to the provisions of Rule 19d-1(c)(1) of the Act.² Rule 19d-1(c)(1)

requires that an SRO promptly file notice with the Commission of any final disciplinary action taken with respect to any person or organization. In accordance with paragraph (c)(2) of Rule 19(d)-1, the Phlx proposes to designate certain violations of its Option Floor Procedure Advices as minor rule violations, and that it be allowed to report these violations on a quarterly, instead of current, reporting basis. The Phlx proposes to include the following violations of its Option Floor Procedure Advices under its proposed plan: Section A of the Options Floor Procedure Advices, *Specialists*, Advices A-1 (responsibility for displaying best bid and offer); A-2 (orders to be accepted onto specialist's book); A-6 (acceptance of stop and stop limit orders). Section B *Registered Options Traders*, Advices B-1 (responsibility to make markets); B-2 (crowd courtesy); B-3 (trading requirements); B-4 (trading from off-floor); B-5 (agency-principal restrictions); B-6 (parity); B-7 (splitting orders); B-8 (use of floor brokers). Section C, *Floor Brokers*, Advices C-1 (presence of registered option traders in trading crowd); C-2 (clocked tickets); C-3 (handling registered option trade orders); C-4 (floor brokers handling orders for same firm); C-5 ("legging" combination orders). Section E, *Staffing*, E-1 (required staffing of options floor). Section F, *Miscellaneous*, Advices F-1 (use of identification letters and numbers); F-2 (time-stamping and matching); F-3 (requests for sold sale designations); F-4 (orders executed as spreads, straddles, or combinations); F-5 (changes or corrections to material terms of a cleared trade); F-6 (option quote parameters).³ A party charged

³ Sanctions applicable to the minor rule violations are outlined in *Exhibit B* of the Phlx filing. The specific fine schedule for the various violations is as follows: For violations of Advice C-2, the fine schedule is \$50 for the first offense, \$250 for the second offense and \$500 for the third offense; for violations of Advices A-2(i), B-4 and B-5, the fine schedule is \$250 for the first offense, \$500 for the second offense and \$500 for the third offense; for violations of Advice E-1, the fine schedule is a warning for the first offense, \$500 for the second offense and \$500 for the third offense; for violations of Advice B-3(1), the fine schedule is a warning for the first offense, \$500 for the second offense; for violation of Advices B-1, B-7 and B-8, the fine schedule is \$100 for the first offense, \$250 for the second offense and \$500 for the third offense; for violations of Advices A-1, A-6, B-2, B-6, C-1, C-3, C-4, F-1, F-2, F-3, F-4, and F-6, the fine schedule is \$50 for the first offense, \$100 for the second offense and \$250 for the third offense; for violations of Advice B-3(2), the fine schedule is a warning for the first offense, and \$200 for the second offense; for violations of Advice A-2(ii), the fine schedule is \$50 for the first offense, \$100 for the second offense; for violations of Advice F-5, the fine schedule is \$50 for the first offense, \$50 for the second offense. For all Advices, sanction for an offense after the last listed offense is left to the discretion of the Business Conduct Committee of the Phlx.

with a violation of one or more of the rules will receive written notice from the exchange.⁴ The Phlx also notes that there exists sufficient discretion in each step of the process to permit a particular incident to be evaluated as meriting more formal disciplinary action that exists under the plan. The Business Conduct Committee of the Phlx has the ability, pursuant to Exchange Rule 960.2, to evaluate the severity of a violation and, in appropriate circumstances, authorize the issuance of a complaint.

The submission filed by the Phlx contemplates, subject to Commission approval, the addition of other violations within the minor rule violation plan.

According to the Phlx, the quarterly report of actions taken on minor rule violations, which under the Phlx procedure would be submitted to the Commission, would list for each violation the Commission file number, the name of the individual or member organization, the nature of the violation, the specific rule provision violated, the sanction imposed, the date of disposition, and the internal file number.

In order to assist the Commission in determining whether to approve the proposed plan or institute proceeding to determine whether the proposed plan should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of publication in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Reference should be made to File No. 4-289.

Copies of the submission, all subsequent amendments, all written statements with respect to the plan which are filed with the Commission, and all written communications relating to the plan between the Commission and any other person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. Copies of the filing and of any subsequent amendments also will be available at the offices of the Phlx.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

⁴ The notice, entitled "Notice of Fine For Minor Violation(s) of Options Floor Procedure Advices" is attached, as *Exhibit C*, to the Phlx filing.

¹ See Securities Exchange Act Release No. 21013 (June 1, 1984) 49 FR 23828. The Commission adopted amendments to paragraph (c) of Rule 19d-1 to allow self-regulatory organizations ("SROs") to submit for Commission approval plans for the abbreviated reporting of minor disciplinary infractions. Under the amendments, any disciplinary action taken by an SRO against any person for violation of an SRO rule that has been designated a minor rule subject to a plan shall not be considered "final" for purposes of Section 19(d)(1) of the Act if the sanction imposed consists of a fine of less than \$2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies.

² See Letter from Douglas Block, Vice President, Philadelphia Stock Exchange, to Michael Cavalier, Branch Chief, Division of Market Regulation, dated May 1, 1986.

Dated: May 16, 1986.

John Wheeler,
Secretary.

[FR Doc. 86-11922 Filed 5-27-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23253; File No. SR-OCC-86-08]

Self-Regulatory Organizations; Options Clearing Corp.; Proposed Rule Change

Pursuant to Section 19(b)(1), of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 28, 1986, Options Clearing Corporation ("OCC") filed with the Securities Exchange Commission the proposed rule change described below. The proposal would enable Canadian banks and trust companies to issue escrow receipts representing underlying securities which Clearing Members have deposited with the institution to cover short positions in stock options carried for customer accounts. The Commission is publishing this Notice to solicit comment.

I. Description of the Proposal

OCC is proposing to amend its rules to permit certain Canadian banks and trust companies to qualify as issuers of escrow receipts. Currently, Clearing Members can deposit with OCC escrow receipts, issued by a qualified financial institution and collateralized by the underlying security, in lieu of OCC margin on short equity option call positions.¹ The proposed rule change consists of a list of standards for Canadian financial institutions wishing to issue escrow receipts (the "Standards"), the form of Depository Agreement between OCC and Canadian escrow receipt issuers, the form of Escrow Receipt, and a recommended form of Escrow Receipt Agreement between Canadian escrow receipt issuers and their customers.

OCC's Standards are similar to existing OCC standards for a U.S. financial institution. Specifically, a Canadian financial institution must: (1) Be either a Schedule A (Canadian domestic) bank governed by the Canadian Bank Act or a trust company governed by Canadian federal or provincial legislation; (2) have shareholders' equity² of at least

\$27,500,000 Canadian. (This provision is comparable to the \$20,000,000 shareholders' equity requirement for U.S. financial institutions.); and (3) file F.R. Form T-2 (or its equivalent conforming to Section 8(a) of the Act) with the Board of Governors of the Federal Reserve System in which the financial institution agrees to comply with U.S. law relating to the use of credit to finance securities transactions.³

Canadian financial institutions qualifying as escrow receipt issuers would be subject to certain requirements. First, each of those institutions could issue escrow receipts as long as either (i) the total amount of cash and securities (at current market value) held by it pursuant to all outstanding escrow receipts and guarantee letters collateralizing puts and calls,⁴ or (ii) the intrinsic or "in-the-money" value of all such puts and calls, does not exceed a dollar amount equal to 25% of the shareholders equity of the institution. This limitation currently applies to U.S. escrow issuers.⁵ Second, Canadian financial institutions would be subject to reporting requirements almost identical to those requirements for U.S. escrow issuers. Canadian financial institutions, upon application to OCC for escrow issuance approval, must supply OCC with their latest available audited financial statements. After approval, they would be required to submit quarterly unconsolidated statements. Thereafter, the institution would need to submit to OCC each year an audited report containing a consolidated or unconsolidated statement of financial condition and a special supplemental report signed by the chief officer of the internal credit department regarding the adequacy of the institution's internal accounting controls relating to escrow receipts and the underlying assets. Third, Canadian institutions will be

required to submit a signature list of those employees authorized to sign escrow receipt form.⁶

The form of Depository Agreement, *i.e.*, the application for approval to issue escrow receipts, is almost identical to that used by U.S. institutions. Like U.S. applicants, Canadian institutions would represent that they meet the Standards and agree to perform the obligations set forth in the escrow receipt form. Except for necessary changes in terminology reflecting the Standards, the escrow receipt form also is almost identical to the form used by U.S. institutions.⁷

OCC also has filed a form of escrow receipt agreement for use by Canadian institutions and their customers. Canadian institutions, however, are free to use their own forms of agreement, provided they include the substantive terms of OCC's escrow receipt form.

II. OCC's Rationale for the Proposed Rule Change

OCC states in its filing that the proposed rule change is consistent with the purposes and requirements of Section 17A of the Act because it would promote greater Canadian participation in the U.S. options markets. Although options traded on U.S. securities exchanges have been marketed in Canada for a number of years, OCC expects that its recent adoption of rules permitting foreign brokers to become direct OCC Clearing Members⁸ and the future establishment of an OCC branch office in Toronto will generate increased Canadian investor interest in U.S. options. OCC believes that enabling Canadian institutions to issue escrow receipts will increase further the trading of U.S. options in Canada by enabling Canadian institutional and public investors to cover their options positions at qualifying local financial institutions, consistent with the Commission's desire to facilitate efficient and safe handling of international securities transactions.⁹

OCC also believes that by increasing the number of financial institutions eligible to issue escrow receipts, it will promote competition among those institutions. At the same time, OCC states that investors will continue to be protected by the reasonable safeguards

¹ In its filing, OCC represents that the staff of the Board of Governors of the Federal Reserve System (the "Fed") has stated that escrow receipts issued by any foreign banking institution that has filed a Form T-2 qualify as "escrow agreements" for purposes of Regulation T. See letter dated May 15, 1984, from Laura Homer, Securities Credit Officer, Fed, to Martin Portney, Esq.

² OCC represents that it will accept escrow receipts relating to deposited stocks underlying short stock option call positions only. If it appears in the future that there is a significant demand in Canada for index option escrow receipts, OCC states that it will prepare a Canadian version of the index option escrow receipt and submit this as a separate rule change filing.

³ See Securities Exchange Act Release No. 23244 (May 16, 1986), (published May 27, 1986) approving File No. SR-OCC-86-06 in which OCC proposed the alternative "in-the-money" formula for limiting the amount of escrow receipts that a custodian bank may have outstanding.

⁶ Moreover, OCC proposes a \$2.00 fee for each Escrow Receipt Form.

⁷ As amended in File No. SR-OCC-86-06, see *infra* note 4.

⁸ See Securities Exchange Act Release No. 22123 (June 6, 1985), 50 FR 24853 (June 13, 1985) approving File No. SR-OCC-85-02.

⁹ See Securities Exchange Act Release No. 21958 (April 18, 1985), 50 FR 16302 (April 25, 1985), File No. S7-18-85.

¹ See OCC Rule 610.

² Shareholders' equity would be computed on an unconsolidated basis and would consist of common stock, surplus and retained earnings; preferred stock and subordinated debt would not be considered.

provided in connection with the escrow receipt program.

III. Request for Comments

Interested persons are invited to submit written data, views and arguments concerning the proposal. Persons making written submission should file six copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of the filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number in the caption above and should be submitted by June 18, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: May 19, 1986.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 86-11921 Filed 5-27-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15108; (812-6321)]

USAT Mortgage Securities, Inc.; Application for Exemptive Order from all Provisions of the Act

May 20, 1986.

Notice is hereby given that USAT Mortgage Securities, Inc. ("Applicant"), 10333 Harwin, Houston, Texas 77036, filed an application on March 20, 1986, and amendments thereto on April 18 and May 15, 1986, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act in connection with the issuance of mortgage related securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the applicable provisions thereof.

According to the application, Applicant is a wholly-owned limited purpose finance subsidiary of United

Savings Association of Texas, incorporated under Texas law for the purpose of investing in certain certificates representing interests in mortgage pools ("Certificates") to be purchased principally with the proceeds of bonds ("Bonds") collateralized by such Certificates. Applicant states that it does not intend to engage in any business or investment activities other than issuing and selling Bonds collateralized primarily by Certificates under an indenture, acquiring, owning, holding and pledging Certificates, investing cash balances on an interim basis in certain short-term investments and engaging in activities incidental to and necessary for such purposes.

Applicant proposes to issue and sell the Bonds in series ("Series") issued pursuant to one or more indentures ("Indentures") between Applicant and a qualified unaffiliated trustee ("Trustee"). Applicant states that the Indenture for each Series of Bonds will be qualified under the Trust Indenture Act of 1939. Applicant further states that it will only issue Bonds rated in the highest investment grade rating by at least two unaffiliated nationally recognized statistical rating organizations.

According to the application, each Series of Bonds will be secured separately by assignments to the Trustee of any combination of "fully modified pass-through" certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates"), Guaranteed Mortgage Pass-Through Securities issued and guaranteed by the Federal National Mortgage Association ("FNMA Certificates"), or Mortgage Participation Certificates issued and guaranteed by the Federal Home Loan Mortgage Corporation (the "FHLMC Certificates"). Applicant states that the Bonds will be secured by collateral ("Collateral"), which Collateral includes (i) the Certificates, (ii) distributions thereon, (iii) cash, a letter of credit or any combination thereof if required with respect to any Series, (iv) cash, if any, required to be initially deposited by the Applicant with respect to any Series and (v) the reinvestment income on such distributions. Applicant represents that the Collateral for each Series of Bonds will secure only that Series and that each Series of Bonds will be fully payable from the principal and interest payments on the Collateral pledged to secure such Series.

Applicant asserts that it is not the type of entity that was intended to be regulated under the Act, and that its limited activities do not require the protection of the Act. Applicant further

asserts that there are strong policy reasons for granting the requested exemptive order because Applicant's activities will supply capital to builders and other institutions engaged in the real estate and mortgage markets, and thereby facilitate the financing of mortgages, a critical national need.

Applicant consents to the following conditions with respect to the issuance of the requested order:

(1) Each series of bonds will be registered under the Securities Act of 1933 ("Securities Act"), unless offered in a transaction exempt from registration pursuant to Section 4(2) of the Securities Act.

(2) The bonds will be "mortgage related securities" within the meaning of Section 3(a)(41) of the Securities Exchange Act of 1934. However, the mortgage collateral underlying the bonds will be limited to mortgage certificates guaranteed by the Government National Mortgage Association, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

(3) If new mortgage collateral is substituted, the substitute collateral must: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; and (iv) meet the conditions set forth in paragraphs (2), (4) and (6). In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the mortgage certificates initially pledged as mortgage collateral. In no event may any new mortgage collateral be substituted for any substitute mortgage collateral.

(4) All mortgage certificates, funds, accounts or other collateral securing a series of bonds ("bond collateral") will be held by the Trustee or on behalf of the Trustee by an independent custodian. The custodian may not be an affiliate (as the term "affiliate" is defined in Securities Act Rule 405, 17 CFR 230.405) of the Applicant. The Trustee will be provided with a first priority perfected security or lien interest in and to all bond collateral.

(5) Each series of bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with the Applicant. The bonds will not be considered redeemable securities within the meaning of Section 2(a)(32) of the Act.

(6) No less often than annually, an independent public accountant will audit the books and records of the

Applicant and in addition will report on whether the anticipated payments of principal and interest on the bonds in accordance with their terms. Upon the completion, copies of the auditor's report(s) will be provided to the Trustee.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 12, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of the interest, the reasons for the request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant(s) at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 86-11924 Filed 5-27-86; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region IX Advisory Council Meeting, CA

The Small Business Administration, Region IX, located in the geographical area of San Diego, California, will hold a public meeting at 9:00 a.m. on June 20, 1986, in the Federal Building, 880 Front Street, San Diego, California 92188, Room 2-S-14, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call George P. Chandler, Jr., District Director, U.S. Small Business Administration, 880 Front Street, Room 4-S-29, San Diego, California 92188, (619) 293-7252.

Jean M. Nowak,
Director, Office of Advisory Councils.
May 19, 1986.

[FR Doc. 86-11845 Filed 5-27-86; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council Meeting, NE

The U.S. Small Business Administration, Region VII, located in the geographical area of Omaha,

Nebraska, will hold a public meeting from 10:00 a.m. to 2:30 p.m., on Monday, June 9, 1986, at the Omaha Club, 20th & Douglas, Omaha, Nebraska 68102, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Rich Budd, District Director, U.S. Small Business Administration, 19th & Franam, Omaha, Nebraska 68102; phone (402) 221-3620.

Jean M. Nowak,
Director, Office of Advisory Councils.
May 19, 1986.

[FR Doc. 86-11846 Filed 5-27-86; 8:45 am]

BILLING CODE 8025-01-M

Region X Advisory Council Meeting; WA

The U.S. Small Business Administration, Region X, located in the geographical area of Seattle, Washington, will hold a public meeting at 9:00 a.m. on Friday, June 13, 1986, in the North Auditorium, Federal Building, 915 Second Avenue, Seattle, Washington, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call John J. Talerico, District Director, U.S. Small Business Administration, 915 Second Avenue, Room 1792, Seattle, Washington 98174 (206) 442-2786.

Jean M. Nowak,
Director, Office of Advisory Councils.
May 19, 1986.

[FR Doc. 86-11847 Filed 5-27-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 966]

Participation of Private-Sector Representatives on U.S. Delegations; August 1985—May 1986 List

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its August 1985—May 1986 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III (c) 5 of the guidelines published in the *Federal Register* on March 23, 1979.

Dated: May 20, 1986.

Frank R. Provyn,
Director, Office of International Conferences.

United States Delegation to the Seventh United Nations Congress on the Prevention of Crime and Treatment of Offenders, Milan, August 26—September 6, 1985

Representative

The Honorable D. Lowell Jensen, Deputy Attorney General, Department of Justice

Alternate Representatives

The Honorable Norman A. Carlson, Director, Bureau of Prisons, Department of Justice
The Honorable Ronald Gainer, Associate Deputy Attorney General, Department of Justice

Congressional Adviser

The Honorable George W. Crockett, Jr., United States House of Representatives

Congressional Staff Advisers

Sheila A. Bair, Deputy Counsel, Office of the Majority Leader, United States Senate
Gail Higgins Fogarty, Counsel, Committee on the Judiciary, United States House of Representatives
Richard W. Velde, Consultant, Office of the Majority Leader, United States Senate

Judicial Advisers

The Honorable Frederick B. Lacey, U.S. District Court for the District of New Jersey, Newark, New Jersey
The Honorable George E. MacKinnon, U.S. Court of Appeals for the District of Columbia Circuit, Washington, D.C.
The Honorable Frank J. McGarr, Chief Judge, U.S. District Court for the Northern District of Illinois, Chicago, Illinois
The Honorable Gerald B. Tjoflat, U.S. Court of Appeals for the Eleventh Circuit, Jacksonville, Florida

Advisers

Eugene C. Bailey, Regional Officer, Office of Counter Terrorism and Emergency Planning, Department of State
The Honorable Raymond Brown, Director, National Institute of Corrections, Department of Justice
The Honorable Lois Haight Herrington, Assistant Attorney General, Office of Justice Programs, Department of Justice
Warren E. Hewitt, Director, Office of Human Rights Affairs, Bureau of International Organization Affairs, Department of State
The Honorable John C. Lawn, Acting Administrator, Drug Enforcement Administration, Department of Justice
The Honorable Stanley E. Morris, Director, United States Marshals Service, Department of Justice
The Honorable Steven R. Schlesinger, Director, Bureau of Justice Statistics, Department of Justice
The Honorable James K. Stewart, Director, National Institute of Justice, Department of Justice
The Honorable Jon R. Thomas, Assistant Secretary for International Narcotics Matters, Department of State

The Honorable William H. Webster, Director,
Federal Bureau of Investigation,
Department of Justice

Private Sector Advisers

George J. Beto, Distinguished Professor of
Corrections, Sam Houston University,
Huntsville, Texas
Peter Greenwood, Criminal Justice Program,
The Rand Corporation, Santa Monica,
California
Charles F. Wellford, Chairman, Institute of
Criminal Justice and Criminology,
University of Maryland, College Park,
Maryland
Hubert Williams, President, Police
Foundation, Washington, D.C.

**United States Delegation to the Study Group
XI International Telephone And Telegraph
Consultative Committee International,
Telecommunication Union (ITU/CCITT)
Geneva, October 21—November 8, 1985**

Representative

Thijs De Haas, Institute for
Telecommunication Sciences, Department
of Commerce, Boulder, Colorado

Adviser

Fred Nolke, Federal Communications
Commission

Private Sector Advisers

Douglas C. Donohoe, AT&T Bell Laboratories,
Holmdel, New Jersey
Stephen Engelman, Communications Satellite
Corporation, Washington, D.C.

**United States Delegation to the Meeting of
Permanent Technical Committee (PTC) I
Organization of American States/Inter-
American Telecommunications Commission
(OAS/CITEL) Sao Paulo, November 4-8, 1985**

Representative

Douglas Davis, Federal Communications
Commission

Alternate Representative

Domenick Iacovo, Bureau of International
Communications and Information Policy,
Department of State

Adviser

William Moran, National Telecommunication
and Information Administration,
Department of Commerce

Private Sector Advisers

Cecil Crump, AT&T Communications,
Morristown, New Jersey
Thomas Sorge, RCA Global Communications,
Inc., New York, New York

**United States Delegation to the 9th Regular
Meeting of the International Commission for
the Conservation of Atlantic Tunas (ICCAT),
Palma de Mallorca, November 2-19, 1985**

Commissioners

The Honorable Carmen J. Blondin, Deputy
Assistant Administrator for Fisheries
Resource Management, National Oceanic
and Atmospheric Administration,
Department of Commerce
The Honorable Frank B. Carlton, Savannah,
Georgia

The Honorable John McGowan, Astoria,
Oregon

Advisers

Barry Kefauver, Executive Director, Bureau of
Oceans and International Environmental
and Scientific Affairs, Department of State
Barbara Rothschild, Office of International
Fisheries, National Oceanic and
Atmospheric Administration, Department
of Commerce
Gary T. Sakagawa, National Marine Fisheries
Service, National Oceanic and
Atmospheric Administration, Department
of Commerce
Jacob Walles, Office of Fisheries Affairs,
Bureau of Oceans and International
Environmental and Scientific Affairs,
Department of State

Private Sector Advisers

Jack C. Bowland, United States Tuna
Foundation, Washington, D.C.
Gordon C. Broadhead, Living Marine
Resources, Inc., San Diego, California
Gilbert C. Radonski, Sport Fishing Institute,
Washington, D.C.

**United States Delegation to the Study Group 8
International Radio Consultative Committee
International Telecommunication Union
(ITU/CCIR), Geneva, November 4-20, 1985**

Representative

Herbert T. Blaker, Manager, Standards and
Certification, Rockwell International,
Arlington, Virginia

Alternate Representative

Thomas M. Walsh, Spectrum Plans and
Policy, National Telecommunications and
Information Administration, Department of
Commerce

Advisers

Fred S. Flatow, SRSAT Mission Manager,
NASA/Goddard Space Flight Center,
Greenbelt, Maryland
Robert A. Frazier, Electronic Engineer,
Federal Aviation Administration,
Department of Transportation
Wendell Harris, Chief, International Staff,
Common Carrier Bureau, Federal
Communications Commission
Gordon F. Hempton (International Chairman),
Technical Standards Branch, Private Radio
Bureau, Federal Communications
Commission
Joseph Hersey, Frequency Staff, U.S. Coast
Guard
Earl J. Holliman, Army Spectrum Manager,
HQ Department of the Army
Henry W. Holsopple, Director, Navy
Electromagnetic Spectrum Center,
Department of the Navy
William A. Luther, International Adviser,
Field Operations Bureau, Federal
Communications Commission
Gerald J. Markey, Acting Manager, Spectrum
Engineering Div., Federal Aviation
Administration, Department of
Transportation
Fred Matos, Spectrum Analysis Branch,
National Telecommunications and
Information Administration, Department of
Commerce

Robert C. McIntyre, Aviation and Marine
Division, Federal Communications
Commission

Lawrence M. Palmer, International Staff,
Common Carrier Bureau, Federal
Communications Commission
Warren Richards, Office of International
Radio Communications, Bureau of
International Communications and
Information Policy, Department of State
Frank L. Rose, Chief, Technical Standards
Branch, Office of Science and Technology,
Federal Communications Commission
Michael S. Singer, Chief, Plans and Policies,
Spectrum Management, Federal Aviation
Administration, Department of
Transportation
Richard Swanson, Frequency Staff, U.S.
Coast Guard
James T. Vorheis, Spectrum Plans and Policy,
National Telecommunications and
Information Administration, Department of
Commerce

Private Sector Advisers

William M. Borman, Vice President and
Director of Telecommunications,
Government Relations—International,
Motorola, Inc., Washington, D.C.
Theodore Brenig, Mobile Communications
Business, General Electric Company,
Lynchburg, Virginia
Lewis L. Bradley, Telecommunications
Consultant, Systematics General
Corporation, Alexandria, Virginia
Charles Dorian, Consultant, American Radio
Relay League, Washington, D.C.
Andrew W. Hutnik, High Seas Service, AT&T
Communications, Morristown, New Jersey
Yaroslav Kaminsky, Head, Advanced
Systems Group, The MITRE Corporation,
McLean, Virginia
Philip T. Porter, Bell Communications
Research, Red Bank, New Jersey
Alan G. Rinker, Communications and
Electronics Division, Systematics General
Corporation, Sterling, Virginia
Franklin L. Shilling, Deputy Director, External
Affairs, Aeronautical Radio, Inc.,
Annapolis, Maryland
Gerald F. Wiggen, Sachs-Freeman and
Associates, Inc., Bowie, Maryland

**United States Delegation to the 4th Session of
the Joint Intergovernmental Oceanographic
Commission (IOC)/World Meteorological
Organization (WMO), Working Committee
for The Integrated Global Ocean Services
System (IGOSS IV) UN Educational,
Scientific and Cultural Organization
(UNESCO), Geneva, November 11-20, 1985**

Representative

Gregory W. Withee, U.S. National
Representative for IOOSS, National
Oceanic and Atmospheric Administration,
Department of Commerce

Alternate Representative

Robert Landis, Chief, Marine Services
Branch, National Oceanic and Atmospheric
Administration, Department of Commerce

Adviser

Mitchell Shank, Director, Fleet Operations
Department, United States Naval

Oceanographic Office, Bay St. Louis, Mississippi

Private Sector Adviser

Warren White, Research Oceanographer, Scripps Institution of Oceanography, La Jolla, California

United States Delegation to the Special Session of the Committee for Information, Computer and Communications Policy Organization For Economic Cooperation and Development (OECE), Paris, November 18-20, 1985

Representatives

The Honorable William Schneider, Under Secretary of State for Security Assistance, Science and Technology, Department of State

The Honorable Mark Fowler, Chairman, Federal Communications Commission

Senior Policy Adviser

The Honorable Diana Lady Dougan, Coordinator and Director, Bureau of International Communications and Information Policy, Department of State

Adviser

Donald Abelson, Director, Technical Trade Barriers, Office of the United States Trade Representative, Executive Office of the President

Private Sector Advisers

Seth Blumenfeld, President, MCI International Inc., Rye Brook, New York

E. Clark Grimes, Director, Telecommunications Practices, International Business Machines Corporation, Armonk, New York

Charles H. Miller, Director, Public Affairs, American Telephone and Telegraph, Washington, D.C.

Cecil Olmstead, Steptoe and Johnson, Washington, D.C.

Representative

Ralph F. Thompson, Jr., Director, Office of Basic Industries, Department of Commerce

Advisers

Jorge Perez-Lopez, Deputy Director, Office of International Economic Affairs, Department of Labor

Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Vice President for International Affairs, American Iron and Steel Institute, Washington, D.C.

Peter Mulloney, Assistant to the Chairman, United States Steel Corporation, Pittsburgh, Pennsylvania

John J. Sheehan, Assistant to the President and Director for Legislative Affairs, United Steel Workers of America, Pittsburgh, Pennsylvania

United States Delegation to the 14th Session of the Assembly and 13th Extraordinary Session of the Council of the International Maritime Organization (IMO), London, November 8-22, 1985

Thirteenth Extraordinary Session (November 8, 1985)

Representative

David L. Schiele, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State

Alternate Representative

Paul E. Versaw, Captain, Chief, International Affairs Staff, United States Coast Guard, Department of Transportation

Advisers

Robert Bentley, International Relations Officer, Department of State

Nancy Fibish, Shipping Attache, United States Embassy, London

Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation

Fourteenth Session of the Assembly (November 11-22, 1985)

Representative

James S. Gracey, Admiral, Commandant, United States Coast Guard, Department of Transportation

Alternate Representative

David L. Schiele, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State

Advisers

Robert Bentley, International Relations Officer, Department of State

Nancy Fibish, Shipping Attache, United States Embassy, London

J.W. Kime, Commodore, Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Daniel F. Sheehan, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Paul E. Versaw, Captain, Chief, International Affairs Staff, United States Coast Guard, Department of Transportation

Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation

Private Sector Adviser

Donald C. Hintze, Captain (Ret.), National Ocean Industries Association, Washington, D.C.

United States Delegation to the 7th European Regional Air Navigation Meeting, International Civil Aviation Organization (ICAO), Malaga, Spain, November 12-24, 1985

Delegate

Benjamin Demps, Jr. (Chairman of Delegation), Director, Europe, Africa, and Middle East Office, Federal Aviation Administration, Brussels, Belgium

Alternate Delegates

Bennett Flax, Air Traffic Services Staff, Europe, Africa, Middle East Office, Federal Aviation Administration, Brussels, Belgium

David Hodges, Air Traffic Control Systems, Federal Aviation Administration, Brussels, Belgium

Romney E. Pattison, International Officer, Office of International Aviation, Federal Aviation Administration, Department of Transportation

Robert G. Sims, Lieutenant Colonel, USAF, Ramstein Air Force Base, Ramstein, Federal Republic of Germany

Private Sector Adviser

Paul Leonard, Airline Operations, Air Transport Association of America, Washington, D.C.

United States Delegation to the Study Group III, International Telecommunication Union (ITU), International Telephone and Telegraph Consultative Committee (CGITT), Geneva, November 11-26, 1985

Working Party III/6 November 11-13, Working Party III/2 November 14-19, and Working Party III/1 November 25-26, 1985.

Representative

Earl S. Barbely, Acting Director, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Advisers

Gray M. Fereno, Telecommunication Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

Wendell Harris, Federal Communications Commission

Private Sector Advisers

Wendell E. Lind, Manager, Network Rates, AT&T Communications, Bedminster, New Jersey

John O'Boyle, Vice President, ITT World Communications Inc., Secaucus, New Jersey

Phillip Onstad, Control Data Corporation, Washington, D.C.

Denis W. O'Shea, Telecommunications Adviser, IBM, Armonk, New York

Beverly Ann Sincavage, Senior Product Manager, GTE Telenet Communications, Corporation, Reston, Virginia

Carmine Taghialatela, Director, Regulatory Affairs, RCA Communications, Inc., New York, New York

Deborah Tumey, Citibank, N.A., New York, New York

Working Party III/5, November 20-22, 1985.

Representative

Earl S. Barbely, Acting Director, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Advisers

Gary M. Fereno, Telecommunication Policy Specialist, National Telecommunications

and Information Administration,
Department of Commerce
Wendell Harris, Federal Communications
Commission

Private Sector Advisers

Clarke P. Dahlgren, Deputy Director, AT&T
Communications, Morris Plains, New
Jersey
Paul F. Konort, Senior Regulatory Analyst,
GTE Sprint Communication Corporation,
Washington, D.C.
John O'Boyle, Vice President, ITT World
Communications Inc., Secaucus, New
Jersey
Phillip Onstad, Control Data Corporation,
Washington, D.C.
Denis W. O'Shea, Telecommunications
Adviser, IBM, Armonk, New York
Carmine Tagliatela, Director, Regulatory
Affairs, RCA Communications, Inc., New
York, New York

**United States Delegation to the Sixth Meeting
of the Chemicals Group and Management
Committee Organization for Economic
Cooperation and Development (OECD), Paris,
November 25-27, 1985**

Representative

Don Clay, Director Office of Toxic
Substances, Environmental Protection
Agency

Advisers

Breck Milroy, Office of Toxic Substances,
Environmental Protection Agency
Thomas Wilson, Office of Environment and
Health, Bureau of Oceans and International
Environmental and Scientific Affairs,
Department of State
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frances Irwin, The Conservation Foundation,
Washington, D.C.
Donald McCollister, Dow Chemical
Company, Midland, Michigan

**United States Delegation to the 23rd Session
of the Conference of the Food and Agriculture
Organization (FAO), Rome, November 9-28,
1985**

Delegate

The Honorable John R. Block, Secretary of
Agriculture

Alternate Delegates

¹ The Honorable Millicent Fenwick, United
States Representative to the United
Nations Agencies for Food and Agriculture,
Rome
The Honorable Daniel G. Amstutz, Under
Secretary for International Affairs and
Commodity Programs, Department of
Agriculture
Antonio Gayoso, Director, Office of
International Development, Bureau of
International Organization Affairs,
Department of State
James E. Ross, United States Mission to the
United Nations Agencies for Food and
Agriculture, Rome

¹ Ambassador Fenwick will act as delegate and
head of delegation in the absence of Secretary
Block.

Congressional Adviser

The Honorable Gene Chappie, House of
Representatives

Advisers

E. Wayne Denney, International Relations
Advisor, International Organization
Affairs, Office of International Cooperation
and Development, Department of
Agriculture
Allan R. Furman, United States Mission to
the United Nations Agencies for Food and
Agriculture, Rome
Michael Goldman, Office of Food Policy and
Programs, Bureau of Economic and
Business Affairs, Department of State
Hartford T. Jennings, Chief, Agriculture
Development Division, Bureau of
International Organization Affairs,
Department of State
Edmund M. Parsons, Deputy United States
Representative to the United Nations
Agencies for Food and Agriculture, Rome
Mark Ward, Chief, United Nations Division,
Office of Donor Coordination, Bureau for
Program and Policy Coordination, Agency
for International Development
Daniel Weygandt, United States Mission to
the United Nations Agencies for Food and
Agriculture, Rome
Max L. Witcher, Director, International
Organization Affairs, Office of
International Cooperation and
Development, Department of Agriculture

Private Sector Adviser

William T. Schapaugh, Executive Vice
President, American Seed Trade
Association, Washington, D.C.

**United States Delegation to the Study Group
I, Consultative Committee on Telegraph and
Telephone, International Telecommunication
Union (ITU/CCITT) Geneva, November 21-
29, 1985**

Representative

Douglas Davis, Common Carrier Bureau,
Federal Communications Commission

Private Sector Advisers

Donald P. Casey, ITT World Communications
Inc., Secaucus, NJ
Stephen Engleman, COMSAT, Clarksburg,
MD
Joseph Norton, Asst. Vice President, Product
Line Management, Western Union
Telegraph Co., Upper Saddle River, NJ
Herman R. Silbiger, AT&T Information
Systems, Morristown, New Jersey

**United States Delegation to the International
Rubber Study Group (IRSG), Abidjan,
November 21-29, 1985**

Representative

Frederick W. Siesseger, Director,
International Commodities Division,
Department of Commerce

Alternate Representative

Cynthia Smith, Industrial and Strategic
Materials Division, Bureau of Economic
and Business Affairs, Department of State

Private Sector Advisers

Thomas E. Cole, Vice President, Rubber
Manufacturers Association, Washington,
D.C.
Donald A. Ensminger, General Manager,
Plantation Operations, Goodyear Tire and
Rubber Company, Akron, Ohio
Frank Raniolo, President, Alcan Rubber and
Chemical, Inc., New York, New York

**United States Delegation to the Study Group
VIII International Telephone and Telegraph
Consultative Committee, International
Telecommunication Union (ITU/CCITT),
London, December 3-5, 1985**

Representative

Douglas V. Davis, Common Carrier Bureau,
Federal Communications Commission

Alternate Representative

Gary M. Fereno, National
Telecommunications and Information
Administration, Department of Commerce

Private Sector Advisers

Richard Holleman, International Business
Machines Corporation, Purchase, New
York
Herman Silbiger, AT&T Bell Labs, Crawfords
Corner Road, Holmdel, NJ

**United States Delegation to the 22nd Session
of the Marine Environment Protection
Committee International Maritime
Organization (IMO), London, December 2-6,
1985**

Representative

Peter J. Rots, Admiral, Chief, Office of Marine
Environment and Systems, U.S. Coast
Guard, Department of Transportation

Alternate Representative

C.R. Corbett, Captain, Chief, Response
Division, U.S. Coast Guard, Department of
Transportation

Adviser

Joseph J. Angelo, Merchant Vessel Inspection,
U.S. Coast Guard, Department of
Transportation
Robert Blumberg, Deputy Director, Office of
Oceans and Polar Affairs, Bureau of
Oceans and International, Environmental
and Scientific Affairs, Department of State
Nancy Fibish, Shipping Attaché, United
States Embassy, London
David B. Pascoe, Lieutenant Commander,
Chief, Environmental Coordination Branch,
U.S. Coast Guard, Department of
Transportation
John E. Riley, Chief, Response Standards and
Criteria Branch, Emergency Response
Division, Environmental Protection Agency
Thomas H. Robinson, Commander, Assistant
Chief, Port and Environmental Safety
Division, U.S. Coast Guard, Department of
Transportation
Frits Wybenga, Marine Technical and
Hazardous Materials Division, U.S. Coast
Guard, Department of Transportation

Private Sector Adviser

Sally Lentz, Staff Attorney, Oceanic Society,
Washington, D.C.

United States Delegation to the Plan Committee for Latin America International Telecommunication Union (ITU), Paramaribo, December 2-6, 1985

Representative

Domenick Iacovo, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Advisers

Glen de Chabert, International Policy Division, Federal Communications Commission
Gordon Hempton, Private Radio Bureau, Federal Communications Commission

Private Sector Adviser

Cecil R. Crump, AT&T Communications, American Telephone and Telegraph Company, Morris Plains, New Jersey

United States Delegation to the 103rd Session International Wheat Council (IWC), London, December 9-11, 1985

Representative

Donald J. Novotny, Director, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture

Alternate Representative

Gerald Monroe, Director, Office of Food Policy and Programs Bureau of Economic and Business Affairs, Department of State

Advisers

Charles G. Billo, Chief, Food Program Division, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State
Turner L. Oylor, Agricultural Counselor, American Embassy, London
Ken Roberts, Agricultural Attache, American Embassy, London

Private Sector Advisor

Richard Fritz, Director for Market Analysis, U.S. Wheat Associates, Washington, D.C.

United States Delegation to the 9th Session of the Commission for Climatology World Meteorological Organization (WMO), Geneva, December 2-13, 1985

Principal Delegate

Frank T. Quinlan, National Climatic Data Center, National Environmental Satellite, Data and Information Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Principal Delegate

David R. Rodenhuis, National Weather Service, Oceanic and Atmospheric Administration, Department of Commerce

Delegates

Kenneth D. Davidson, National Climatic Data Center, National Environmental Satellite, Data and Information Service, National Oceanic and Atmospheric Administration, Department of Commerce
James L. Rasmussen, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Helmut Landsberg, Department of Meteorology, University of Maryland, College Park, Maryland
Thomas B. McKee, Department of Atmospheric Sciences, Colorado State University, Fort Collins, Colorado

United States Delegation to the Study Group XVIII International Telegraph and Telephone Consultative Committee International Telecommunication Union (ITU/CCITT) Kyoto, December 2-13, 1985

Representative

Thijs de Haas, Institute for Telecommunication Sciences, Department of Commerce, Boulder, Colorado

Advisers

Mike Slomin, Federal Communications Commission
Lawrence Caplan, National Security Agency

Private Sector Adviser

Gary Fishman, AT&T Communications, Bedminster, NJ

United States Delegation to the Committee of Experts on the International Registration of Marks World Intellectual Property Organization (WIPO), Geneva, December 11-13, 1985

Representative

Lee Schroeder, Patent and Trademark Office, Department of Commerce

Alternate Representative

Rosemarie G. Bowie, Attorney-Advisor, U.S. Patent and Trademark Office

Adviser

Patricia Woodring, Office of Business Practices, Department of State

Private Sector Adviser

William A. Finkelstein, Trademark Counsel, PepsiCo, Inc.

United States Delegation to the 50th Session Food Aid Committee (FAC), London, December 12-13, 1985

Representative

Gerald Monroe, Director, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Charles G. Billo, Chief, Food Program Division, Office of Food Policy and Program, Bureau of Economic and Business Affairs, Department of State

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Donald J. Novotny, Director, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture
Ken Roberts, Agricultural Attache, American Embassy, London

Private Sector Adviser

Richard Fritz, U.S. Wheat Associates, Washington, D.C.

United States Delegation to the 32nd Session of the Committee on Gas Economic Committee for Europe (ECE), Geneva, January 20-24, 1986

Representative

Lucio D'Andrea, Industrial Specialist, Petroleum and Natural Gas, Office of Oil and Gas, Department of Energy

Private Sector Adviser

Stewart B. Kean, President, Utility Propane, Elizabeth, New Jersey

United States Delegation to the 52nd Session of the Maritime Safety Committee Intergovernmental Maritime Organization (IMO), London, January 27-February 5, 1986

Representative

J.W. Kime, Rear Admiral, Chief, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

Daniel F. Sheehan, Technical Adviser, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

Nancy Fibish, Shipping Attache, U.S. Embassy, London
Thomas A. Robinson, Commander, Office of Marine Environment and Systems, United States Coast Guard, Department of Transportation
David Schiele, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State
Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation

Private Sector Advisers

William Hannan, Vice President, American Bureau of Shipping, New York, New York
Donald C. Hintze, Executive Consultant, National Ocean Industries Association, Washington, D.C.
Carmen J. Lunetta, Director, Port of Miami, Miami, Florida

United States Delegation to the Conference on Conditions for Registration of Ships United Nations Conference on Trade and Development (UNCTAD), Geneva, January 20-February 7, 1986

Representative

William H. Dameron, Deputy Director, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Thomas M.P. Christensen, Office of International Activities, Maritime Administration, Department of Transportation

Congressional Staff Advisers

Rudolph V. Cassani, Counsel to the Subcommittee on Merchant Marine, U.S. House of Representatives

Gerald Seifert, General Counsel for Maritime Policy, Committee on Merchant Marine and Fisheries, U.S. House of Representatives

Advisers

Haley D. Collums, Office of the Legal Adviser, Department of State
Richard Jacobson, U.S. Mission, Geneva
Lieutenant Commander Lane McClelland, Division of Maritime and International Law, U.S. Coast Guard

Private Sector Advisers

Richard J. Daschbach, Assistant to the President for International Affairs, Seafarers International Union of North America, Washington, D.C.
Patrick J. King, Consultant, International Organization of Marine Pilots, Boston, Massachusetts
Philip J. Loree, Attorney and Chairman, Federation of American Controlled Shipping, New York, New York
James F. Paterson, Vice President, National Maritime Union of America, New York, New York
Talmadge E. Simpkins, Executive Director, Maritime Committee, AFL-CIO, Washington, D.C.
Thomas S. Wyman, Manager, Maritime Relations, Chevron Shipping Company, San Francisco, California

United States Delegation to the 13th Session North American Forestry Commission Food and Agriculture Organization (FAO), Chetumal, Mexico, February 3-7, 1986

Representative

R. Max Peterson, Chief, Forest Service, Department of Agriculture

Alternate Representative

Jacob L. Whitmore, Forest Service, Department of Agriculture
Henry Noldan, Chief, Division of Forestry, Bureau of Land Management, Department of the Interior

Adviser

Sotero Muniz, Forest Service, Department of Agriculture, Albuquerque, New Mexico

Private Sector Adviser

Howard Lee Jones, Jr., J.M. Jones Lumber Company, Inc., Natchez, Mississippi

United States Delegation to The Committee of Experts on Biotechnological Inventions and Industrial Property World Intellectual Property Organization (WIPO), Geneva, February 3-7, 1986

Representative

Lee Schroeder, Patent and Trademark Office, Department of Commerce

Alternate Representative

Patricia A. Woodring, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

William H. Duffey, Monsanto Company, St. Louis, Missouri

United States Delegation to the 3rd Annual Meeting of the Council North Atlantic Salmon Conservation Organization (NASCO), Quebec City, Canada, February 4-7, 1986

Commissioners

The Honorable Allen E. Peterson, Jr., Woods Hole, Massachusetts
The Honorable Richard Buck, Hancock, New Hampshire
The Honorable Frank Carlton, Savannah, Georgia

Advisers

Vaughn C. Anthony, Northeast Fisheries Center, National Marine Fisheries Service, Woods Hole, Massachusetts
Ted I. Lillestolen, Lieutenant, Foreign Affairs Office, National Oceanic and Atmospheric Administration, Department of Commerce
Daniel Reifsnnyder, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
James E. Weaver, Assistant Regional Director, Fishery Resources, U.S. Fish and Wildlife Science, Department of the Interior

Private Sector Advisers

Spencer Appollonio, Commissioner, Department of Natural Resources, Augusta, Maine
Robert A. Jones, Vice Chairman, Connecticut River, Salmon Commission, New Haven, Connecticut
Glenn H. Manuel, Commissioner, Department of Inland Fisheries and Wildlife, Augusta, Maine

United States Delegation to the Cocoa Conference United Nations Conference on Trade and Development (UNCTAD), Geneva, February 10-28, 1986

Representative

Dorothy Dwoskin, Office of the U.S. Trade Representative, Geneva

Private Sector Advisers

Harold Gettinger, Vice President, M&M Mars, Hackettstown, New Jersey
Johannes Kilian, Gill & Dufus, Inc., New York, New York
Robert Paulson Westway Mercuria Corporation, New York, New York
Johann Scheu, Cocoa Merchants of America, New York, New York

United States Delegation to the Permanent Technical Committee II of the Inter-American Telecommunication Commission (CITEL) of the Organization of American States (OAS), Fortaleza, Brazil, February 20-28, 1986

Representative

William H. Jahn, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Anatole Shub, Bureau of International Communications and Information Policy, Department of State

Advisers

David Cohen, National Telecommunications and Information Administration, Department of Commerce
Jonathan David, Policy and Rules Division—Mass Media Bureau, Federal Communications Commission
Wilson A. La Follette, Policy and Rules Division—Mass Media Bureau, Federal Communications Commission
Frederick Matos, National Telecommunications and Information Administration, Department of Commerce
Larry Olson, Policy and Rules Division—Mass Media Bureau, Federal Communications Commission
Charles Rush, National Telecommunications and Information Administration, Department of Commerce
Norbert Schroeder, Frequency Management and Monitoring Division, Voice of America

Private Sector Adviser

Wallace Johnson, Moffet, Larson and Johnson, P.C., (representing the National Association of Broadcasters), Arlington, Virginia

United States Delegation to the 31st Session of the Subcommittee on Fire Protection Intergovernmental Maritime Organization (IMO), London, February 24-28, 1986

Representative

Donald J. Kerlin, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Alternate Representative

William J. Ecker, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Advisers

William G. Boyce, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation
Nancy Fibish, Shipping Attache, United States Embassy, London
Klaus Wahle, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

Private Sector Advisers

John P. Goudreau, Fire Equipment Manufacturer's Association, Marinette, Wisconsin
Rudolph G. Terry, Marine Transportation, Sun Refining and Marketing Company, Aston, Pennsylvania

United States Delegation to the 10th Meeting of the Dangerous Goods Panel International Civil Aviation Organization (ICAO), Montreal, February 24—March 7, 1986

Member

Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation

Adviser

Walter G. Greiner, Office of Civil Aviation Security, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Frank J. Black, Manager, Cargo Services, Air Transportation Association, Washington, D.C.

United States Delegation to the 23rd Session of the Working Party on Facilitation of International Trade Procedures Economic Commission for Europe (ECE), Geneva, March 17-21, 1986

Representative

Bruce R. Butterworth, Chief, Trade, Facilitation and Technical Issues Division, Office of International Transportation and Trade, Department of Transportation

Adviser

William H. Kenworthy, Jr., Data Systems Manager, Office of the Deputy Assistant Secretary of Defense for Management Systems, Department of Defense

Private Sector Advisers

Anthony J. D'Anna, AT&T Technologies, Inc., Greensboro, North Carolina
Eugene A. Hemley, Executive Director, National Council on International Trade Documentation, New York, New York
Benjamin W. Milbrandt, Jr., Manager, Material Systems, Navistar International, Chicago, Illinois

United States Delegation to the Extraordinary Meeting of the International North Pacific Fisheries Commission (INPFC), Vancouver, April 8-9, 1986

Commissioners

The Honorable (Head of Delegation) Clement Tillion, Fisherman, Homer, Alaska
The Honorable Dayton Lee Alverson, Managing Partner, Natural Resources Consultants, Inc., Seattle, Washington
The Honorable Richard B. Lauber, Vice President and Alaska Manager, Pacific Seafood Processors, Juneau, Alaska
The Honorable Robert McVey, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Advisers

Michael Dahlberg, Northwest and Alaska Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Auke Bay, Alaska
Peter Flournoy, Attorney Adviser, Office of Legal Adviser, Department of State
Robert Ford, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Private Sector Advisers

Joan Bergy, Consumer Adviser, Mercer Island, Washington
Al Burch, Alaska Druggers Association, Kodiak, Alaska
Henry Mitchell, Bering Sea Fisherman's Association, Anchorage, Alaska

United States Delegation to the Meeting of Permanent Technical Committee (PTC) I Organization of American States/Inter-American Telecommunications Commission (OAS/CITEL) Montevideo, April 7-10, 1986

Representative

Domenick Iacovo, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Douglas Davis Federal Communications Commission

Adviser

William Moran, National Telecommunication and Information Administration, Department of Commerce

Private Sector Adviser

Cecil Crump AT&T Communications, Morristown, New Jersey

United States Delegation to the 24th Meeting of the Directing Council Organization of American States/Pan American Institute of Geography and History (OAS/PAIGH), Rio De Janeiro, April 7-11, 1986

Representative

Clarence W. Minkel, Chairman of the U.S. National Section of PAIGH, University of Tennessee Knoxville, Tennessee

Alternate Representative

Mark M. Macomber, Deputy Director for Systems and Techniques, Defense Mapping Agency

Adviser

Peter F. Bermel, Assistant Director for Programs, U.S. Geological Survey, Reston, Virginia
Frederick O. Diercks, National Ocean Service National Oceanic and Atmospheric Administration of Commerce

Private Sector Adviser

David Bushnell, Department of History, University of Florida
David Bushnell, Department of History, University of Florida
Lydia Pulsipher, Department of Geography, University of Tennessee
Robert N. Thomas, Department of Geography, Michigan State University East Lansing, Michigan

United States Delegation to the 56th Session of the Legal Committee Intergovernmental Maritime Organization (IMO), London, April 7-11, 1986

Representative

Frederick F. Burgess, Captain, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representative

Robert Blumberg, Deputy Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Arthur Volkle, Jr., Lieutenant, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Adviser

Charles r. Corbett, Captain, Office of Marine Environment and Systems, United States Coast Guard Department of Transportation
Nancy Fibish, Shipping Attache, United States Embassy, London
Thomas H. Robinson, Commander, Office of Marine Environment and Systems, United States Coast Guard Department of Transportation

Private Sector Adviser

Ernest J. Corrado, Vice President, American Institute of Merchant Shipping, Washington, D.C.
Edward C. Kalaidjian, Maritime Law Association, New York, New York

United States Delegation to the 24th Meeting of the Directing Council Organization of American States/Pan American Institute of Geography and History (OAS/PAIGH) Rio De Janeiro, April 7-11, 1986

Representative

Clarence W. Minkel, Chairman of the U.S. National Section of PAIGH, University of Tennessee, Knoxville, Tennessee

Alternate Representative

Mark M. Macomber, Deputy Director for Systems and Techniques, Defense Mapping Agency

Advisers

Peter F. Bermel, Assistant Director for Programs, U.S. Geological Survey, Reston, Virginia
Frederick O. Diercks, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Robert N. Thomas, Department of Geography, Michigan State University, East Lansing, Michigan

United States Delegation to the Twelfth Session of the United Nations Commission on Transnational Corporations (TNCs) New York, April 9-18, 1986

Representative

Seymour J. Rubin, Executive Vice President and Executive Director, The American Society of International Law, Washington, D.C.

Alternate Representative

Walter B. Lockwood, Jr., Deputy Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Advisers

Stephen Altheim, Office of International Investments, Department of the Treasury
Christine E. Klepac, Office of International Organizations, Department of Commerce
Jack P. Orlando, U.S. Mission to the United Nations, New York, New York

Private Sector Adviser

Ralph A. Weller, Vice President, Otis Elevator Company, New York, New York

United States Delegation to the Study Group I, Consultative Committee on Telegraph and Telephone, International Telecommunication Union (ITU/CCITT), Montevideo, April 11-18, 1986

Representative

Douglas Davis, Federal Communications Commission

Alternate Representative

Domenick Iacovo, Bureau of International Communications and Information Policy, Department of State

Private Sector Advisers

Donald P. Casey, ITT World Communications Inc., Secaucus, NJ

Frederick T. Kelley, COMSAT General Corporation Washington, D.C.

United States Delegation to the 33rd Session of the Consultative Committee, 17th Session of the Administration and Legal Committee Information Meeting on Variety Denominations and Biotechnology subgroup Union for the Protection of New Plant Varieties, Geneva, April 14-18, 1986

Representative

Stanley Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Advisers

William H. Elliott, Jr., Plant Variety Protection Committee, American Intellectual Property Law Association, Arlington, Virginia

William Schapaugh, Executive Director, American Seed Trade Association, Washington, D.C.

United States Delegation to the 31st Session of the International Maritime Organization (IMO), Subcommittee on Radiocommunications, London, April 14-18, 1986

Representative

Robert E. Fenton, Captain, Chief, Plans and Policy Division, United States Coast Guard, Department of Transportation

Alternate Representative

Richard L. Swanson, Marine Radio Policy Branch, United States Coast Guard, Department of Transportation

Advisers

Nancy Fibish, Shipping Attache, United States Embassy, London

Gordon Hempton, Private Radio Bureau, Federal Communications Commission

William Luther, Field Operation Bureau, Federal Communications Commission

Robert C. McIntyre, Engineer, Federal Communications Commission

Private Sector Advisers

Don Derryberry, Exxon Company USA, Houston, Texas

John Fuechsel, National Ocean Industries Association, Washington, D.C.

United States Delegation to the XIII Quadrennial General Assembly, Organization of American States/Pan American Institute of Geography and History (OAS/PAIGH) Brasilia, April 14-18, 1986

Representative

Clarence W. Minkel, Chairman of the U.S. National Section of PAIGH University of Tennessee, Knoxville, Tennessee

Alternate Representative

Mark M. Macomber, Deputy Director for Systems and Techniques, Defense Mapping Agency

Advisers

Peter F. Bermel, Assistant Director for Programs, U.S. Geological Survey, Reston, Virginia

Frederick O. Diercks, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Robert N. Thomas, Department of Geography, Michigan State University, East Lansing, Michigan

Proposed United States Delegation to the Steel Committee Working Party Organization for Economic Cooperation and Development (OECD), Paris, April 22-23, 1986

Representative

Ralph F. Thompson, Jr., Director, Office of Basic Industries, Department of Commerce

Advisers

Jorge Perez-Lopez, Deputy Director, Office of International Economic Affairs, Department of Labor

Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Vice President for International Affairs, American Iron and Steel Institute, Washington, D.C.

David Schryver, Assistant to the Chairman, LTV Steel Corporation, Cleveland, Ohio

John J. Sheehan, Assistant to the President and Director for Legislative Affairs, United Steel Workers of America, Pittsburgh, Pennsylvania

United States Delegation to Meeting on Mineral Resources, Antarctica, Hobart, April 14-25, 1986

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

John Behrendt, United States Geological Survey, Denver, Colorado

Roger Freeman, Office of Marine and Polar Minerals, Bureau of Economic and Business Affairs, Department of State

Scott Hajost, Office of the Legal Adviser, Department of State

Robert Hofman, Scientific Program Director, Marine Mammal Commission

Thomas Laughlin, Office of Policy and Planning, National Oceanic and

Atmospheric Administration, Department of Commerce

Private Sector Advisers

James K. Jackson, Office of General Counsel, American Petroleum Institute, Washington, D.C.

Lee Kimball, International Institute for Environmental and Development, Washington, D.C.

United States Delegation to the Executive Board, United Nations Children's Fund (UNICEF), New York, April 14-25, 1986

Representative

Rita Di Martino, United States Representative to UNICEF

Alternate Representative

Claudine B. Cox, Alternate United States Representative to UNICEF

Advisers

Mary Louise Becker, Office of Donor Coordination, Bureau for Program and Policy Coordination, Agency for International Development

Harold Fleming, United States Mission to the United Nations, New York, New York

Peter F. Frost, Division of Humanitarian Development, Bureau of International Organization Affairs, Department of State

Susan Shearouse, United States Mission to the United Nations, New York, New York

Linda Vogel, Office of International Health, Public Health Service, Department of Health and Human Services

Private Sector Adviser

Lawrence E. Bruce, Jr., President, U.S. Committee for UNICEF, New York, New York

United States Delegation to the 38th Session of the Subcommittee on the Carriage of Dangerous Goods, Intergovernmental Maritime Organization (IMO), London, April 21-25, 1986

Representative

Thomas R. Dickey, Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Alternate Representative

John P. Aherne, Lieutenant Commander, Marine Technical and Hazardous Material Division, United States Coast Guard, Department of Transportation

Advisers

Edward A. Altemos, International Standard Coordinator, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation

Larry H. Gibson, Lt. Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Sector Adviser

Donald W. Gates, Captain, National Cargo Bureau, Inc., New York, New York

United States Delegation to the Meeting of International Telegraph and Telephone Consultative Committee (CCITT), Study Group XVII, International Telecommunication Union (ITU), Geneva, April 21-25, 1986

Representative

Thijs de Haas, Institute for Telecommunication Science, Department of Commerce, Boulder, Colorado

Adviser

Robert Fenichel, National Communications Systems, Washington, D.C.

Private Sector Adviser

Richard P. Brandt, AT&T Communications, Bedminster, New Jersey

United States Delegation to the 38th Session of the Subcommittee on the Carriage of Dangerous Goods, Intergovernmental Maritime Organization (IMO), London, April 21-25, 1986

Representative

Thomas R. Dickey, Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Alternate Representative

John P. Aherne, Lieutenant Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Advisers

Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation

Nancy Fibish, Shipping Attache, United States Embassy, London

Larry H. Gibson, Lt. Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Sector Adviser

Donald W. Gates, Captain, National Cargo Bureau, Inc., New York, New York

United States Delegation to the Medium Frequency Broadcasting Conference, International Telecommunication Union (ITU), Geneva, April 14-May 2, 1986

Representative

James C. McKinney, Mass Media Bureau, Federal Communications Commission

Alternate Representatives

William H. Jahn, Bureau of International Communications and Information Policy, Department of State

Wilson A. La Follette, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission

Harold G. Kimball, National Telecommunications and Information Administration, Department of Commerce
Wallace E. Johnson, Moffet, Larson and Johnson, P.C., Arlington, Virginia

Advisers

Jonathan David, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission

Frederick Matos, Office of Spectrum Management, National

Telecommunications and Information Administration, Department of Commerce
John P. Moddero, Bureau of Inter-American Affairs, Department of State

Harry Montgomery, Telecommunications Attache, United States Mission, Geneva, Switzerland

Larry Olson, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission

Norbert Schroeder, Frequency Management and Monitoring Division, Voice of America

Steven Selwyn, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission

Louis Stephens, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission

John C. Wang, Office of Science and Technology, Federal Communications Commission

Francis K. Williams, Office of Science and Technology, Federal Communications Commission

Private Sector Advisers

Elizabeth L. Dahlberg, Lohnes and Culver, Washington, D.C.

Donald G. Everist, Cohen and Dippell, P.G., Washington, D.C.

Fernando Oaxaca, Coronado Communications Corporation, Los Angeles, California

United States Delegation to the 16th Session of the Subcommittee on Bulk Chemicals, Intergovernmental Maritime Organization (IMO), London, April 28-May 2, 1986

Representative

Thomas R. Dickey, Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Alternate Representative

Frits Wybenga, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Advisers

Nancy Fibish, Shipping Attache, United States Embassy, London

Charles A. Huber, Commander, Office of Marine Environment and Systems, United States Coast Guard, Department of Transportation

Michael D. Morrissette, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

Private Sector Advisers

William M. Mayberry, Captain, Executive Director, Offshore Marine Services Association, New Orleans, Louisiana
Rudolph Terry, Manager of Engineering, Sun Transport, Inc., Aston, Pennsylvania

United States Delegation of the Meeting of the Council and Executive Board, International Coffee Organization (ICO), London, April 28-May 2, 1986

Representative

Jon Rosenbaum, Assistant U.S. Trade Representative, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Ralph F. Ives, III, Primary Commodities Division, Department of Commerce

Advisers

James Burkart, U.S. Embassy, London
Linda Hochstein, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Bruce McMullen, Commodity Officer, U.S. Embassy, London

Private Sector Adviser

George E. Boecklin, President, National Coffee Association, New York, New York

United States Delegation to the Intergovernmental Group on Bananas, 9th Session, Rome, May 5-9, 1986, Food and Agriculture Organization (FAO), Rome, May 5-9, 1986

Representative ex officio

The Honorable Millicent Fenwick, United States Representative to the United Nations Agencies for Food and Agriculture, Rome

Representative

Ralph Ives, Primary Commodities Division, Department of Commerce

Alternate Representative

James E. Ross, United States Mission to the United Nations Agencies for Food and Agriculture, Rome

Private Sector Advisers

Warren G. Breck, Consultant, Metairie, Louisiana

Robert M. Moore, President, International Banana Association, Washington, D.C.

United States Delegation to the Conference of National Experts on the Future of Migration Organization for Economic Cooperation and Development (OECD), Paris, May 13-15, 1986

Representative

Jeanne Roberts, Special Assistant to the Deputy Under Secretary for International Affairs, Department of Labor

Advisers

Michael Heilman, Associate General Counsel, Immigration and Naturalization Service, Department of Justice

Arlene Holen, Senior Staff Economist, Council of Economic Advisers

Marion F. Houstoun, Office of International Economic Affairs, Bureau of International Labor Affairs, Department of Labor

Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Elizabeth J. Harper, Author, Dumphries, Virginia
 Mark Miller, Associate Professor of Political Science, University of Delaware, Newark, Delaware

United States Delegation to the Thirty-Ninth World Health Assembly of the World Health Organization (WHO), Geneva, May 5-16, 1986

Delegates

The Honorable Otis R. Bowen, M.D. (Chief Delegate), Secretary of Health and Human Services
 The Honorable C. Everett Koop, M.D. (Deputy Chief Delegate), Surgeon General of the United States and Director, Office of International Health, Public Health Service, Department of Health and Human Services
 The Honorable, Gerald P. Carmen, Ambassador, United States Permanent Representative to the United Nations Office and Other International Organizations at Geneva

Alternate Delegates

The Honorable, Frank E. Young, M.D., Commissioner of Food and Drugs, Food and Drug Administration, Public Health Service, Department of Health and Human Services
 The Honorable Neil A. Boyer, Director for Health and Transportation Programs, Bureau of International Organization Affairs, Department of State
 The Honorable Kenneth J. Bart, M.D., Director for Health Agency for International Development
 The Honorable Thomas E. Malone, Deputy Director, National Institutes of Health, Public Health Service, Department of Health and Human Services

Advisers

Faye Abdellah, M.D., Deputy Surgeon General and Chief Nurse Officer, Public Health Service, Department of Health and Human Services
 William C. Bartley, International Health Attache, U.S. Mission, Geneva
 Rose Belmont, Associate Director for Multilateral Programs, Office of International Health, Public Health Service, Department of Health and Human Services
 Ronald D. Flack, Deputy Chief of Mission, U.S. Mission, Geneva
 Donald Hopkins, M.D., Deputy Director, Centers for Disease Control, Public Health Service, Department of Health and Human Services
 Justin Jackson, U.S. Mission, Geneva
 Thomas A. Johnson, Legal Adviser, U.S. Mission, Geneva
 Gilbert H. Sheinbaum, Political Counselor, U.S. Mission, Geneva

Private Sector Adviser

William B. Walsh, MD., President, Project HOPE, Millwood, Virginia

United States Delegation to the Sixteenth Plenary Assembly of the International Radio Consultative Committee (CCIR) of the International Telecommunication Union (ITU), Dubrovnik, Yugoslavia, May 12-23, 1986

Chairman

Richard E. Shrum, Office of International Radio Communications, Bureau of International Communications, and Information Policy, Department of State

Vice Chairman

Richard D. Parlow, National Telecommunications and Information Administration, Department of Commerce
 Thomas B. Stanley, Federal Communications Commission

Government Advisers

Roger E. Beehler, National Bureau of Standards, Boulder, Colorado
 Dr. John F. Cavanagh, Naval Surface Weapons Center, Dahlgren, Virginia
 Gordon F. Hempton, Staff Engineer, Technical Standards Branch, Federal Communications Commission
 Harold G. Kimball, National Telecommunications and Information Administration, Department of Commerce
 Alex C. Latker, Tariff Division, Common Carrier Bureau, Federal Communications Commission
 Robert Mayher, National Telecommunications and Information Administration, Department of Commerce
 Robert C. McIntyre, Private Radio Bureau, Federal Communications Commission
 Neal K. McNaughten, Office of Science and Technology, Federal Communications Commission
 Warren G. Richards, Office of International Radio Communications, Bureau of International Communications and Information Policy, Department of State
 Arthur D. Spaulding, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce
 Dr. William F. Utlaut, Institute for Telecommunication Sciences, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Herbert T. Blaker, Rockwell International Corporation, Arlington, Virginia
 Cecil R. Crump, AT&T Communications, Morristown, New Jersey

E. William Henry, Advanced Television Systems Committee, Washington, D.C. 20036

John J. Kelleher, Systematics General Corporation, Sterling, Virginia
 Hans J. Weiss, Communications Satellite Corporation, Washington, D.C.
 Roman Z. Zaputowycz, The Western Union Telegraph Company, Upper Saddle River, New Jersey

DEPARTMENT OF THE TREASURY**Public Information Collection Requirements Submitted to OMB for Review.**

Dated: May 21, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0755

Form Number: None

Type of Review: Extension

Title: LR-58-83, Final—Related Group Election With Respect to Qualified Investments in Foreign Base Company Shipping Operations

OMB Number: 1545-0757

Form Number: None

Type of Review: Extension

Title: LR-209-76, Final—Special Lien for Estate Taxes Deferred Under Section 6166 or 6166A; Procedure and Administration

Clearance Officer: Garrick Shear, (202) 566-6150, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224

OMB Reviewer: Robert Neal, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building Washington, DC 20503.

Stephen Bashein,

Departmental Reports Management Office.

[FR Doc. 86-11927 Filed 5-27-86; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 51, No. 102

Wednesday, May 28, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, June 2, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 23, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-12032 Filed 5-23-86; 3:41 pm]

BILLING CODE 6210-01-M

2

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of May 26, June 2, 9, and 16, 1986.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of May 26

Wednesday, May 28

2:00 p.m.

Discussion of Management-Organization of Internal Personnel Matters (Closed—Ex. 2 & 6)

Thursday, May 29

9:45 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Licensee Hearing Request in Civil Penalty Case (GPU Nuclear) (Tentative)

Week of June 2—Tentative

Thursday, June 5

2:00 p.m.

Meeting with Advisory Committee on Reactor Safeguards (ACRS) on GESSAR II (Open/Portion may be Closed—Ex. 3 & 4)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

Friday, June 6

10:00 a.m.

Briefing by Staff on Status of TVA (Open/Portion may be Closed—Ex. 5 & 7)

2:00 p.m.

Briefing by Davis-Besse Ad Hoc Review Group (Public Meeting)

Week of June 9—Tentative

Tuesday, June 10

2:00 p.m.

Discussion of Pending Investigations (Closed—Ex. 5 & 7)

Wednesday, June 11

11:00 a.m.

Periodic Meeting with Advisory Panel for the Decontamination of TMI-2 (Public Meeting)

2:00 p.m.

Briefing on Status of EEO Program (Public Meeting)

Thursday, June 12

2:00 p.m.

Briefing on Restart of San Onofre-1 (Public Meeting)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

Week of June 16—Tentative

Wednesday, June 18

10:00 a.m.

Discussion/Possible Vote on Safety Goals (Public Meeting)

3:30 p.m.

Affirmation Meeting (Public Meeting) (if needed)

ADDITIONAL INFORMATION: Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6) scheduled for May 21 was *cancelled*. Affirmation of "Reassertion of Certain Regulatory Authority in New Mexico" (Public Meeting) was held May 22.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION:

Robert McOsker (202) 634-1410.

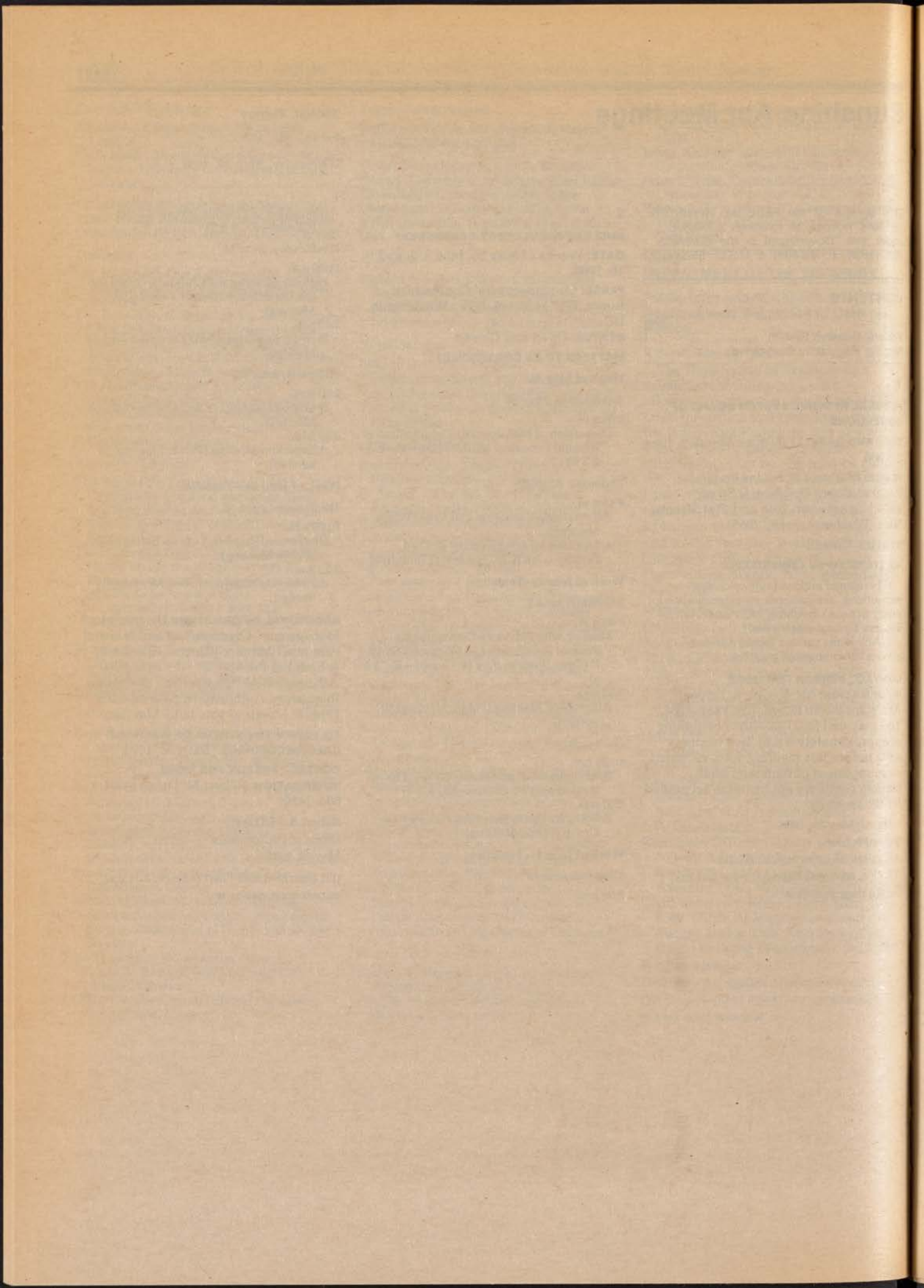
Robert B. McOsker,

Office of the Secretary.

May 22, 1986.

[FR Doc. 86-12031 Filed 5-23-86; 3:31 pm]

BILLING CODE 7590-01-M



41 CFR Part 61-250

Wednesday
May 28, 1986

Part II

Department of Labor

Office of Assistant Secretary for
Veterans' Employment and Training

41 CFR Part 61-250
Annual Report From Federal Contractors;
Proposed Rule

DEPARTMENT OF LABOR**Office of Assistant Secretary for Veterans' Employment and Training****41 CFR Part 61-250****Annual Report From Federal Contractors**

AGENCY: Office of the Assistant Secretary for Veterans' Employment and Training, Labor.

ACTION: Proposed rule.

SUMMARY: Enactment of the Veterans' Compensation, Education, and Employment Amendments of 1982 established the requirements for Federal contractors to submit a report at least annually to the Secretary of Labor. This proposal would implement those requirements.

DATES: Written comments must be received no later than June 27, 1986.

ADDRESS: Comments should be addressed to Donald E. Shasteen, Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Mr. Joseph C. Juarez, Director, Office of Veterans' Employment and Training Programs.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. Juarez. Telephone (202) 523-9110.

SUPPLEMENTARY INFORMATION: Prior to January 29, 1982, the Office of Federal Contract Compliance Programs (OFCCP) in the Department of Labor required, pursuant to regulations, contractors and subcontractors subject to 38 U.S.C. 2012(a) to submit a report, at least quarterly, to the appropriate office of the State employment service. The reports were intended to provide both the State employment services and the Department of Labor with information regarding hiring and provision of required affirmative action for "special disabled veterans" and "veterans of the Vietnam-era," as defined under 38 U.S.C. 2011. Such a reporting requirement was not specifically required in the legislation at 38 U.S.C. 2012.

By notice in the *Federal Register*, the regulatory requirement for the quarterly report at 41 CFR 60-250.4(d) was suspended until further notice by OFCCP at 47 FR 4258 (January 29, 1982). At that time the quarterly report had not been approved by the Office of Management and Budget under the Paperwork Reduction Act.

Subsequently, Congress enacted the Veterans' Compensation, Education, and Employment Amendments of 1982 (Pub. L. 97-306) which included a provision

requiring Federal contractors to submit a report at least annually to the Secretary of Labor. Section 310(a) of the amendments added a new subsection (d) to 38 U.S.C. 2012, as follows:

(d)(1) Each contractor to whom subsection (a) of this section applies shall, in accordance with the regulations which the Secretary shall prescribe, report at least annually to the Secretary on—

(A) The number of employees in the work force of such contractor, by job category and hiring location, who are veterans of the Vietnam era or special disabled veterans; and

(B) The total number of new employees hired by the contractor during the period covered by the report and the number of such employees who are veterans of the Vietnam era or special disabled veterans.

(2) The Secretary shall ensure that the administration of the reporting requirement under paragraph (1) of this subsection is coordinated with respect to any requirement for the contractor to make any other report to the Secretary.

Section 310(b) required the Secretary to issue regulations implementing the report. The Assistant Secretary for Veterans' Employment and Training has responsibility for administering the report requirements.

The reports required by this legislation are intended to assist the Department of Labor in carrying out its responsibilities for maintaining Federal contractor compliance with the statute. The implementing regulations also serve to strengthen the governmental network available to inform and assist Federal contractors in meeting their veterans' affirmative action obligations.

The Department is exploring several alternatives in seeking the simplest and most cost-effective way to handle the annual veterans' employment report. Among the options being considered is full use of the capability and experience that the Equal Employment Opportunity Commission (EEOC) has gained in collecting information from Federal contractors via the Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1. Under this option, contractual arrangements would be made with EEOC to distribute, receive and process a one-page veterans' report form using procedures and definitions virtually identical to those used for the EEO-1. However, there would be no direct association of the veterans' report requirements with those of the EEO-1.

Other options include "contracting out" of the processing of the veterans' employment report or, alternatively, development and implementation of a processing system by the Department of Labor. At this time, it appears that these latter options would be more costly and

would take longer to implement. We welcome further comment on the options described above or any other alternatives.

An Advance Notice of Proposed Rulemaking was published at 50 FR 33360-33362 (August 19, 1985) for purposes of advising interested parties concerning the content and scope of a proposed rule and requesting comments regarding its adequacy, coverage and effectiveness. The Department received fourteen sets of comments from veterans' organizations, State employment service agencies, Federal agencies, Federal contractors, and other interested parties. The following summarizes significant comments and recommendations received and their resolution for publication of these proposed rules:

Location of Proposed Rules

Commenters and the Department agree that the location of the proposed rules at 41 CFR Part 61-250 would be convenient, since they would be in close proximity to current regulations issued by the Office of Federal Contract Compliance Programs (OFCCP) at 41 CFR Part 60-250. The OFCCP regulations also cover affirmative action for Vietnam-era and special disabled veterans pursuant to 38 U.S.C. 2012. One commenter expressed concern that the similarity in regulatory citations might result in confusion and inadvertent oversight by contractors familiar only with the OFCCP rules, notwithstanding the contractor's obligation to maintain a working knowledge of all current regulations which affect them. As an accommodation to this concern, the Department proposes to include the regulatory citation on the proposed VETS-100 form in the section which discusses the legal basis for the reporting requirement.

Impact of Rule Regarding Cost and Time Burdens

Potential recordkeeping and reporting burdens were described only by one commenter. While the pertinent comments generally stated that the reporting requirements would impose substantial cost and time burdens, no specific figures were given. The reasons suggested for extra burdens were that employers would have to survey their workforces for veterans' data not already maintained, computer programming would have to be revised and veteran data collected would have to be protected in order to maintain the privacy required for such records. We recognize that contractors will experience some additional burdens and

will take that into consideration when selecting from among the options for processing of the reports. Section 61-250.12 addresses the issue of privacy and voluntary disclosure.

Report Form or Format; Feasibility of Incorporating Required Data Into the EEO-1 Report

Most of the commenters who addressed a report form or format generally favored incorporation of the veterans' data into the EEO-1 form. Only one suggested that contractors be allowed to develop individual reporting formats because of the variety of recordkeeping systems employed by the multitude of contractors involved. It appears, however, that the best way to minimize excessive processing and computer programming costs is through the use of a standard form, rather than individualized formats. However, incorporation of veterans' data entries into the EEO-1 itself is not feasible at this time. Therefore, a proposed format for a Federal Contractor Veterans' Employment Report (Form VETS-100) based upon the EEO-1, with which many Federal contractors are familiar, has been developed consistent with commenter suggestions. (See proposed § 61-250.11.)

This required veterans' report form could be distributed along with the mailing of the EEO-1 to covered employers as long as the EEO-1 is required on the same annual reporting basis. One major drawback to this process arises, however, because the universe of Federal contractors covered by the EEO-1 reporting requirements is only part of the total universe subject to 38 U.S.C. 2012(d) requirements. The EEO-1 must be submitted only by those Federal contractors holding a contract of \$50,000 or more and who have 50 or more employees unless they serve as a depository of Government funds in any amount, or as a financial institution which issues Government savings bonds or savings notes, in which case no specific contract amount is required.

Large numbers of Federal contractors who have fewer employees and contracts of smaller dollar amounts are also subject to 38 U.S.C. 2012(d). Thus, to ensure uniform compliance by all nonexempt Federal contractors with requirements of 38 U.S.C. 2012(d), under these proposed rules the Office of the Assistant Secretary for Veterans' Employment and Training (OASVET) will identify contractors through the contract award reporting systems and distribute the form in time for filing by the annual March 31 deadline. However, since it is not possible to ensure that all nonexempt Federal contractors will be

identified through available contract award reporting systems, § 61-250.11(c) would require contractors who have not received the supplemental veterans' data form to request the form from OASVET in time to meet the filing deadline.

Voluntary Disclosure of Veterans' Status

Some commenters were concerned that voluntary disclosure of a person's veterans' status, particularly special disabled veterans' status, could result in adverse effects on the individual. In addition, there was concern that reliance on such voluntary disclosure would make it difficult for Federal contractors to provide accurate data in their reports. In our view these comments raise legitimate concerns which we have attempted to address by the addition of a new § 61-250.12. This section would provide that the information is to be given by the veteran on a voluntary basis and will be kept confidential, and that use of the information is limited to matters related to the implementation of 38 U.S.C. 2012. Additionally, the section would provide that a veteran's disclosure of the requested information or refusal to provide the information would not provide the employer with a basis for taking adverse action. It is hoped that these additional safeguards will operate as an incentive for the veteran to come forth with the information. The content of this section has also been incorporated into Paragraph (e) of the required reporting clause set forth at § 61-250.10.

Definition of Hiring Location

One commenter pointed out that many hiring and employment locations do not maintain personnel records. The Department agrees and has accepted a recommendation to incorporate the EEO-1 definition for "establishment" at § 61-250.2(d) as the definition for "hiring location" in order to ensure consistency for Federal contractors subject to the reporting obligations of the EEO-1 and the veterans' employment reports.

Use of Reports

The reports received pursuant to these proposed rules will be used to serve both long-term use and short-term purposes. Long-term use includes, for example, comparison of successive reports received from the same contractor to determine veterans' employment trends in terms of job categories by veteran status and comparisons with total hiring trends. Short-term applications include provision of report data to Veterans' Employment and Training Service field

staff and State employment service agencies for their use in (1) determining whether or not contractors are fulfilling their obligations to list job openings and (2) comparisons with placement and referral records to determine contractor practices in hiring covered veterans who have been given priority referrals to subject contractors. In addition, information received will be considered by the OFCCP as one of several factors that are used in selecting contractors for compliance reviews.

Classification—Executive Order 12291

The proposed rule is not a major rule pursuant to Executive Order No. 12291 because it is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of limited States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required. In addition, this proposed rule does not affect any trade-sensitive activity or lessen any restraints because it does not apply in any way to any other rules or regulations of governing international trade.

Paperwork Reduction Act

Section 61-250.10 of this proposed rule contains information collection requirements subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget marked "Attention: Desk Officer for Veterans' Employment and Training."

Regulatory Flexibility Act

This proposed rule will not have "significant economic impact upon a substantial number of small entities" within the meaning of 5 U.S.C. 605(b). The Secretary of Labor has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because the proposed rule implements an annual report from Federal contractors according to a new requirement at 38 U.S.C. 2012(d) with little cost of economic impact expected with respect to small entities. Therefore, no regulatory flexibility analysis is required.

List of Subjects in 41 CFR Part 61-250

Government contracts, Equal Employment Opportunity, Reporting and recordkeeping requirements, Veterans.

This proposed rule would implement the requirement at 38 U.S.C. 2012(d) by the regulation described below in a new Part 61-250 in Chapter 61 of Title 41, Code of Federal Regulations (CFR). Chapter 61 of Title 41, CFR, is a new chapter which has been assigned to the Office of the Assistant Secretary for Veterans' Employment and Training.

Accordingly, it is proposed that Title 41, Code of Federal Regulations be amended by adding a new Chapter 61 to read as follows:

CHAPTER 61—OFFICE OF THE ASSISTANT SECRETARY FOR VETERANS' EMPLOYMENT AND TRAINING, DEPARTMENT OF LABOR

PART 61-250—ANNUAL REPORT FROM FEDERAL CONTRACTORS

Sec.

61-250.1 Purpose and scope.

61-250.2 Definitions.

61-250.10 Reporting requirements contract clause.

61-250.11 Reporting format.

61-250.12 Voluntary disclosure.

61-250.20 Monitoring of compliance.

Authority: 38 U.S.C. 2012(d).

§ 61-250.1 Purpose and scope.

(a) This Part 61-250 implements 38 U.S.C. 2012(d). Each contractor or subcontractor who enters into a contract in the amount of \$10,000 or more with any department or agency of the United States for the procurement of personal property and non-personal services (including construction) to whom 38 U.S.C. 2012(a) and 41 CFR Part 60-250 applies, shall submit a report according to requirements of § 61-250.10 of this Part.

(b) Except as noted in § 61-250.10 of this Part, these regulations do not revise or replace the regulations in force at 41 CFR 60-250 which apply to veterans' affirmative action obligations of contractors and subcontractors administered by the Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, Department of Labor.

§ 61-250.2 Definitions.

(a) For the purposes of this Part, and unless otherwise indicated in paragraph (b) of this section, the terms set forth in this Part shall have the same meaning as set forth in 41 CFR Part 60.250.

(b) For the purposes of this Part:

(1) "Hiring location" (Identical to "establishment" as defined by the instructions for completing Standard Form 100, Equal Employment

Opportunity Employer Information Report EEO-1) means an economic unit which produces goods or services, such as a factory, office, store, or mine. In most instances, the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity (definition adapted from the 1957 Standard Industrial Classification Manual). Units at different physical locations, even though engaged in the same kind of business operation should be reported as separate establishments. For locations involving construction, transportation, communications, electric, gas, and sanitary services, oil and gas fields, and similar types of physically dispersed industrial activities; however, it is not necessary to list separately each individual site, project, field, line, etc., unless it is treated by the contractor as a separate legal entity with a separate Employer Identification Number. For these types of activities, list as establishments only those relatively permanent main or branch offices, terminals, stations, etc., which are either (i) directly responsible for supervising such dispersed activities, or (ii) the base from which personnel and equipment operate to carry out these activities. (Where these dispersed activities cross State lines, at least one such "establishment" should be listed for each State involved.)

(2) "Job category" means any of the following: officials and managers, professional, technicians, sales workers, office and clerical, craft workers (skilled), operatives (semi-skilled), laborers (unskilled), service workers, as required by Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1, as defined below:

(i) "Officials and managers" means occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation. Includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains and mates (except fishing boats), farm operators and managers, and kindred workers.

(ii) "Professional" means occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots, and navigators,

architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, teachers, and kindred workers.

(iii) "Technicians" means occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.

(iv) "Sales" means occupations engaging wholly or primarily in direct selling. Includes: advertising agents and salesworkers, insurance agents and brokers, real estate agents and brokers, stock and bond salesworkers, demonstrators, salesworkers and sales clerks, grocery clerks and cashier-checkers and kindred workers.

(v) "Office and clerical" includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.

(vi) "Craft Workers (skilled)" means manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Included are: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, arts occupations, handpainters, coaters, decorative and kindred workers.

(vii) "Operatives (semiskilled)" means workers who operate machine or processing equipment or perform other factory-type duties or intermediate skill level which can be mastered in a few weeks and require only limited training. Include: apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dressmakers and sewers (except factory), dryers, furnace workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painter (except construction and maintenance), photographic process workers, stationary firefighters, truck and tractor drivers, weavers (textile), welders and flamecutters, electrical and electronic equipment assemblers, butchers and meatcutters, inspectors, testers and graders, handpackers and packagers, and kindred workers.

(viii) "Laborers (unskilled)" means workers in manual occupations which generally require no special training to perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Include: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

(ix) "Service Workers" means workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses aides, and orderlies), barbers, charworkers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection, guard, doorkeepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, amusement and recreation facilities attendants, guides, ushers, public transportation attendants and kindred workers.

(3) "Special disabled veteran" means (i) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) for a disability rated at 30 percent or more, or (ii) a person who was discharged or released from active duty because of service-connected disability.

(4) "Veteran of the Vietnam era" means a person who served more than 180 days of active military, naval, or air service, any part of which was during the period August 5, 1964, through May 7, 1975, and who (i) was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty because of a service-connected disability. No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991.

(5) "OFCCP" means the Office of Federal Contract Compliance Programs in the Employment Standards Administration of the U.S. Department of Labor.

(6) "OASVET" means the Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor.

§ 61-250.10 Reporting requirements contract clause.

Each contractor or subcontractor described in § 61-250.1 of this Part shall submit reports according to the following reporting clause which shall be included in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract). Such clause is considered as an addition to the affirmative action clause required by 41 CFR Part 60-250, the provisions of which continue in force until otherwise revised or amended by the OFCCP. The reporting requirements clause is as follows:

Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era

(a) The contractor agrees to report at least annually, as required by the Secretary of Labor, on:

(1) The number of special disabled veterans and the number of veterans of the Vietnam era in the workforce of the contractor by job category and hiring location; and

(2) the total number of new employees hired during the period covered by the report, and of that total, the number of special disabled veterans, and the number of veterans of the Vietnam era.

(b) The above items shall be reported by completing the form entitled "Federal Contractor Veterans' Employment Report VETS-100."

(c) Reports shall be submitted no later than March 31 of each year beginning March 31, 1987.

(d) Reports shall reflect the employment profile as required in paragraph (a)(1) above and the employment activity as required in paragraph (a)(2) above, for the most recent

12-month period ending (1) with any pay period during the period January through March, or (2) on December 31 if the contractor has previous written approval from the Equal Employment Opportunity Commission to do so for purposes of submitting the Employer Information Report EEO-1 (Standard Form 100).

(e) The count of veterans reported according to paragraph (a) above shall be based on voluntary disclosure, as follows:

Each contractor subject to reporting requirements at 38 U.S.C. 2012(d) shall invite all special disabled veterans and veterans of the Vietnam era who wish to benefit under the affirmative action program at 38 U.S.C. 2012 to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that the information will be kept confidential, that disclosure or refusal to provide the information will not subject the applicant or employee to any adverse treatment, and that the information will be used only in accordance with the regulations promulgated under 38 U.S.C. 2012. Nothing in this paragraph (e) shall preclude an employee from informing a contractor at a future time of his or her desire to benefit from this program. Nothing in this paragraph (e) shall relieve a contractor from liability for discrimination under 38 U.S.C. 2012.

§ 61.250.11 Reporting format.

(a) Data items required in § 61-250.10(a) are to be reported for each hiring location in the format (VETS-100) as set forth below:

Federal Contractor Veteran's Employment Report

VETS-100

CO = XXXXXX-X
U = XXXXXX-X

Return Completed
Report To:

SIC = XXX

XXXX

XXXX

XXXX

XXXX

X

X

Phone:

Company Identification

(Omit if same as above.)

Name of Parent Company _____

Address (Number and Street):

City: _____ County: _____ State: _____

ZIP Code: _____

Name of Hiring Location

Address (Number and Street):

City: _____ County: _____ State: _____

ZIP Code: _____

Information on Veterans

Report all permanent full-time or part-time employees and new hires who are veterans as defined on reverse. Also report total new hires. Blank spaces will be considered as zeros. Entries in columns N through P, lines 14 through 22, and columns Land M, lines 23 are optional.

Job categories		Number of employees		New hires (between April 1 and March 31)		
		Special disabled veterans	Vietnam era veterans	Special disabled veterans	Vietnam era veterans	Total, both veterans and nonveterans
		L	M	N	O	P
Officials and Managers	14					
Professionals	15					
Technicians	16					
Sales workers	17					
Office and clerical	18					
Craft workers (skilled)	19					
Operatives (Semi-skilled)	20					
Laborers (Unskilled)	21					
Service workers	22					
Total	23					

Federal Contractor Veterans' Employment Report VETS-100

This supplemental report is to be completed by all nonexempt contractors and subcontractors with contracts (or subcontracts) for the furnishing of supplies and services or the use of real or personal property (including construction) for \$10,000 or more. The report is to be completed for each "hiring location". Reports must be completed for establishments located in Hawaii."

How to Prepare Form

Company Identification

Parent Company. Please provide company name, receiving office, address and employer identification number of the headquarter's office of the multi-hiring location company which owns the hiring location for which this report is filed.

Hiring Location For Which This Report is Filed. Please provide the name, address and employer identification number of each company's hiring location if different from that provided.

Information on Veterans

Employment data must include ALL permanent full-time and part-time employees who were employed during the selected payroll period, except those employees specifically excluded as indicated in the Appendix. Appendix. Employees must be counted by veteran status for each of the nine occupational categories (columns L and M). Entries in columns L and M on line 23 are optional.

New Hires Data: Report on line 23, columns N thru P, the total number of permanent full-time and part-time employees by veteran status (columns N and O) and total

employees (column P who were included in the payroll for the first time during the most recent 12-month period ending March 31 of the survey year (i.e., between April 1 and March 31). Entries in columns N thru P, lines 14 thru 22, are optional.)

Definitions

"Hiring location" means an establishment as defined at 41 CFR 61-250.2(b).

"Job Categories"—See 41 CFR 61-250.2(b).

"Special Disabled Veteran" means (i) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) for a disability rated at 30 percent or more, or (ii) a person who was discharged or released from active duty because of a service-connected disability.

"Veteran of the Vietnam era" means a person who served more than 180 days of active military, naval, or air service, any part of which was during the period August 5, 1964, through May 7, 1975, and who (1) was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty because of a service-connected disability. No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991.

Legal Basis for Reporting Requirement

Title 38, United States Code, Section 2012(d), requires that Federal contractors report at least annually the number of special disabled and Vietnam-era veterans in their workforce by job category and hiring location and the total number of employees and the numbers of special disabled and Vietnam-era veterans hired during the reporting period.

Implementing regulations are found at 41 CFR 61-250.

(b) The Office of the Assistant Secretary for Veterans' Employment and Training, or its designee, will use all available information to distribute the required forms to contractors identifiable as subject to the requirements of this Part.

(c) Contractors who do not receive forms should request them in time to meet the annual March 31 deadline. Requests should be addressed to:

OASVET
U.S. Department of Labor,
200 Constitution Avenue, NW.,
Washington, DC 20210

§ 61-250.12 Voluntary disclosure.

Each contractor subject to this Part shall invite all special disabled veterans and veterans of the Vietnam era who wish to benefit under the affirmative action program at 38 U.S.C. 2012 to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that the information will be kept confidential, that disclosure or refusal to provide the information will not subject the applicant or employee to any adverse treatment, and that the information will be used only in accordance with the regulations implementing 38 U.S.C. 2012. Nothing in this section shall preclude an employee from informing a contractor at a future time of his or her desire to benefit from this program. Nothing in this section shall relieve a contractor from liability for discrimination under 38 U.S.C. 2012.

§ 61-250.20 Monitoring of compliance.

During the course of its compliance reviews, OFCCP will determine if the contractor is submitting reports as required by this Part.

Signed at Washington, DC this 19th day of May, 1986.

William E. Brock,
Secretary of Labor.

[FR Doc. 86-11807 Filed 5-27-86; 8:45 am]

BILLING CODE 4510-79-M

40 CFR Part 268

Wednesday
May 28, 1986

Part III

Environmental Protection Agency

40 CFR Part 268

Schedule for Land Disposal Restrictions;
Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[SWH-FRL 2994-1]

Schedule for Land Disposal Restrictions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is establishing a schedule setting forth the order in which listed hazardous wastes will be prohibited from land disposal unless EPA can set appropriate standards or grant case-by-case exemptions. Development of a schedule for these determinations is mandated by section 3004(g) of the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). Pursuant to the Act, if EPA fails to set treatment standards or grant exemptions in accordance with this schedule, hazardous wastes will be subject to partial land disposal restrictions or banned from land disposal.

DATE: This final rule is effective 30 days from May 28, 1986.

FOR FURTHER INFORMATION CONTACT:

For general information contact the RCRA Hotline, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (800) 424-9346 (toll free) or 382-3000 locally.

For information on specific aspects of this rule contact: Susan Bromm, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 382-4770.

SUPPLEMENTARY INFORMATION:

I. Background

A. Hazardous and Solid Waste Amendments of 1984

B. Failure by EPA to Meet Statutory Deadlines

C. Summary of Comments Received on the Proposed Rule

II. Toxicity and Volume (T x V) Methodology for Development of Schedule

III. Schedule Interpretation

IV. Wastes Included in the Ranking

V. Regulatory Impact

A. Executive Order 12291

B. Regulatory Flexibility Act

C. Paperwork Reduction Act

VI. Impact on Authorized States

VII. References

I. Background

A. Hazardous and Solid Waste Amendments of 1984

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, establish a strong statutory presumption against land disposal by prohibiting the continued land disposal of hazardous wastes beyond specified dates, unless such disposal is determined to be protective of human health and the environment. In its enactment of HSWA, Congress stated explicitly that "reliance on land disposal should be minimized or eliminated, and land disposal, particularly landfill and surface impoundment, should be the least favored method for managing hazardous wastes" (RCRA section 1002(b)(7), 42 U.S.C. 6901 (b)(7)).

The statute requires EPA to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized" (RCRA section 3004(m), 42 U.S.C. 6924(m)). Wastes that meet the treatment standards established by EPA are not subject to land disposal prohibitions.

The amendments specify that EPA may not find that a land disposal method is "protective" unless a petitioner demonstrates to the Administrator "to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous" (RCRA section 3004(d)(1), (e)(1), (g)(5), 42 U.S.C. 6924(d)(1), (e)(1), (g)(5)).

The legislation sets forth a series of deadlines for Agency action. At certain deadlines, further land disposal of a particular group of hazardous wastes is prohibited unless the waste meets treatment standards established by the Agency, or unless a petition successfully demonstrates that there will be no migration of hazardous constituents from the disposal unit(s) in which such wastes are placed for as long as the wastes remain hazardous. Other deadlines cause conditional restrictions on land disposal to take effect if the wastes do not comply with treatment standards promulgated by EPA or are not the subject of a successful petition. In any case where EPA does not set a treatment standard for a waste by the statutory date, it is not precluded from later promulgating a treatment standard for that waste. Likewise, where EPA has

set a treatment standard, it is not precluded from revising that standard after the statutory date through rulemaking procedures. The relevant statutory deadlines are explained in detail below. This rulemaking concerns the schedule for those listed wastes discussed in items 3 and 4 below.

1. *Solvents and dioxins.* Effective November 8, 1986 (24 months from November 8, 1984, the date of enactment of the 1984 amendments), the statute prohibits further disposal (except with respect to underground injection into deep injection wells) for the following wastes:

Dioxin-containing hazardous wastes numbered F020, F021, F022, F023, F026, F027, and F028 and solvent-containing hazardous wastes numbered F001, F002, F004, and F005. (Sections 3004(e) (1) and (2), 42 U.S.C. 6924(e) (1) and (2).)

2. *"California List."* Effective July 8, 1987 (32 months from November 8, 1984), the statute prohibits disposal (except with respect to underground injection into deep injection wells) for the following wastes, listed or identified under section 3001:

a. Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing free cyanides at concentrations greater than or equal to 1,000 mg/l.

b. Liquid hazardous wastes, including free liquids associated with any solid or sludge, containing the following metals (or elements) or compounds of these metals (or elements) of concentrations greater than or equal to those specified below:

i. Arsenic and/or compounds (as As) 500 mg/l;

ii. Cadmium and/or compounds (as Cd) 100 mg/l;

iii. Chromium (VI and/or compounds (as Cr VI)) 500 mg/l;

iv. Lead and/or compounds (as Pb) 500 mg/l;

v. Mercury and/or compounds (as Hg) 20 mg/l;

vi. Nickel and/or compounds (as Ni) 134 mg/l;

vii. Selenium and/or compounds (as Se) 100 mg/l;

viii. Thallium and/or compounds (as Th) 130 mg/l.

c. Liquid hazardous wastes having a pH less than or equal to two (2.0).

d. Liquid hazardous wastes containing polychlorinated biphenyls at

¹ This list is based on regulations developed by the California Department of Health Services for hazardous waste land disposal restrictions in the State of California. Thus, it has become known as the "California List."

concentrations greater than or equal to 50 ppm.

e. Hazardous wastes containing halogenated organic compounds in total concentrations greater than or equal to 1,000 mg/kg. (Sections 3004(d)(1) and (2), 42 U.S.C. 6924(d)(1), and (2)).

During the period ending November 8, 1988 (48 months from November 8, 1984), disposal of contaminated soil or debris resulting from a response action under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), or a corrective action required under RCRA, is not subject to any land disposal prohibition or treatment standard for solvent-and dioxin-containing wastes and wastes covered by the "California List." (Sections 3004(d)(3), (e)(3), 42 U.S.C. 6924(d)(3), (e)(3).)

Decisions on deep well injection of dioxin-containing hazardous wastes, solvent-containing hazardous wastes, and California List wastes must be made no later than August 8, 1988 (45 months from November 8, 1984). (Section 3004(f), 42 U.S.C. 6924(f)).

3. *Scheduled wastes.* Section 3004(g) of RCRA, 42 U.S.C. 6924(g), also requires the Agency to schedule, for land disposal determinations, all hazardous wastes listed, as of November 8, 1984, under section 3001 which are not referred to under the above headings, "Solvents and Dioxins" and "California List." EPA is required to develop and submit this schedule to Congress by November 8, 1986. EPA proposed this schedule in the *Federal Register* of May 31, 1985 (50 FR 23250).

Section 3004(g)(2), 42 U.S.C. 6924(g)(2) requires that the schedule be based on a ranking of the listed hazardous wastes which considers their intrinsic hazard and their volume such that decisions regarding the land disposal of high volume hazardous wastes with high intrinsic hazard shall be scheduled first and low volume wastes with lower intrinsic hazard shall be scheduled last.

Section 3004(g)(4), 42 U.S.C. 6924(g)(4) requires EPA to make determinations on land disposal within the following timeframes:

a. At least one-third of all ranked and listed hazardous wastes by August 8, 1988 (45 months from November 8, 1984).

b. At least two-thirds of all ranked and listed hazardous wastes by June 8, 1989 (55 months from November 8, 1984).

c. All remaining ranked and listed hazardous wastes and all hazardous wastes identified by characteristic under section 3001 by May 8, 1990 (66 months from November 8, 1984).

Although the statute establishes deadlines by which decisions on specific

wastes must be made, EPA is not precluded from banning land disposal and requiring treatment for any scheduled wastes before the scheduled deadlines.

4. *Newly listed wastes.* The land disposal prohibitions apply to all hazardous wastes identified or listed under section 3001 as of the date of enactment of the HSWA. EPA is required to make land disposal determinations for any hazardous waste identified or listed under section 3001 after November 8, 1984, within 6 months of the date of identification or listing. (Section 3004(g)(4), 42 U.S.C. 6924(g)(4).)

The statute does not impose an automatic prohibition if EPA misses a deadline for any newly listed waste.

B. Failure by EPA to Meet Statutory Deadlines

If EPA fails to promulgate regulations establishing conditions under which solvents, dioxins, and "California List" constituents may be land disposal by their respective statutory deadlines of November 8, 1986, and July 8, 1987, the statute states that such wastes are prohibited from land disposal as of such date (other than in injection wells, where the applicable statutory deadline is August 8, 1988). Continued land disposal beyond the statutory deadline would be allowed only if the waste is the subject of a successful petition or a later deadline has been established pursuant to 3004(h), 42 U.S.C. 6924(h).

If, by the statutory deadline for any hazardous waste in the first one-third or second one-third of the schedule, EPA fails to promulgate regulations establishing conditions under which such hazardous wastes may be land disposed, such hazardous wastes may be disposed in a landfill or surface impoundment only if the facility is in compliance with the technology requirements set forth in section 3004(o) (42 U.S.C. 6924(o)) of RCRA. Moreover, prior to disposal, the generator must certify to the Administrator that he has investigated the availability of treatment capacity and has determined that the use of such landfill or surface impoundment is the only practical alternative to treatment currently available to him. These conditions apply until EPA promulgates regulations making determinations for the waste concerned. In the above described situation, wastes may be land disposed in other land disposal units (e.g., waste piles and underground injection wells) without such restriction.

If EPA fails to set treatment standards for any of the scheduled listed wastes by May 8, 1990, such wastes are prohibited from land disposal as of that

date unless the waste is subject to a successful petition or EPA establishes a later deadline pursuant to 3004(h), 42 U.S.C. 6924(h).

EPA interprets the statute to provide that an automatic prohibition is not imposed for hazardous wastes "identified" under section 3001 if EPA misses the May 8, 1990, deadline for setting treatment standards. "Identified" wastes are wastes defined as hazardous because they meet one or more of the general hazardous characteristic tests in 40 CFR 261.21 through 261.24, rather than wastes "listed" as hazardous in 40 CFR 261.30 through 261.33 because they contain one or more specified hazardous constituents. Section 3004(g)(5)(C), 42 U.S.C. 6924(g)(5)(C), states "if the Administrator fails to promulgate regulations or make a determination under paragraph (5) for any hazardous waste referred to in paragraph (1), within 66 months after the date of enactment of the Hazardous and Solid Waste Amendments of 1984, such hazardous wastes shall be prohibited from land disposal." Because section 3004(g)(1), 42 U.S.C. 6924(g)(1), refers to listed wastes only, the Agency interprets the statute to impose an automatic prohibition for listed wastes but not for wastes identified under section 3001. The comments that were received on the proposed rule generally support this interpretation. One comment did note that there appeared to be no rational basis for treating listed and characteristic wastes differently in this context. However, this comment ignores the plain language of the statute.

EPA believes that this interpretation will have little impact on the timing of land disposal determinations for "identified" wastes, because many of these wastes will be addressed by other statutory prohibitions or treatment standards prior to the 66-month deadline. Prior to the enactment of the HSWA, EPA had already promulgated conditional restrictions on land disposal of hazardous wastes "identified" by the characteristic of ignitability and reactivity (see 40 CFR 264.17, 265.17 and 265.312). In addition, EPA expects that many "identified" wastes will be covered by the "California List" described in Unit I.A.2 above. These wastes will be automatically prohibited from land disposal if EPA fails to promulgate treatment regulations within 32 months of the date of enactment of the HSWA. Consequently, EPA believes that relatively few "identified" wastes will be governed by the 66 month deadline.

C. Summary of Comments Received on the Proposed Rule

Of the comments on the proposed rule, the majority focused on the development of the scores used in the ranking. The most prevalent comment was that the Agency should consider the concentration of constituents in the waste when developing toxicity scores. Other comments focused on the quality of data used to develop the toxicity (T) and volume (V) scores including consideration of exposure factors.

Additional comments expressed the following concerns:

1. EPA should reconsider the use of Appendix VII for determining which constituents are present in various waste streams because the Appendix VII listings are not representative of all companies' waste streams. Thus, the most toxic Appendix VII constituent for a listed waste may not be present in a specific generator's waste.

2. EPA should modify the requirements of sections 3004 (c), (d), (e), (f), (g), (o), and (u) and of section 3005 concerning mining wastes should these wastes be subject to RCRA regulation.

3. Although land disposed in high volume, EPA should not consider metal hydroxide sludges (Waste No. F006) to be highly toxic.

4. The toxicity score for steel industry wastes is based on hexavalent chromium. This score should be adjusted because hexavalent chromium is present in small amounts.

5. EPA should keep the record on the schedule rulemaking open because critical elements of the land disposal process have not yet been defined (e.g., the petition process, treatment standards, variances, extensions). These elements should be published and subjected to public review before the comment period on this rulemaking closes.

Finally, the Agency received several comments stating that land treatment should be considered a method of treatment and not land disposal.

The comments identified in the above section are addressed in the following sections. The original comments to the proposed rule are available for public review in the docket to this rulemaking.

II. Toxicity and Volume (T x V) Methodology for Development of Schedule

Section 3004(g)(2) (42 U.S.C. 6924(g)(2)), requires the schedule to be based on a ranking of wastes such that high volume wastes with a high intrinsic hazard are ranked first and low volume wastes with a lower intrinsic hazard are ranked last.

The Agency is ranking listed hazardous wastes by multiplying a toxicity score (T) for each waste (representing the inherent toxicological properties of hazardous constituents in the waste) and a volume score (V) for each waste (representing the volume of the hazardous waste disposed of in or on the land). The comments received on the proposed rule generally support the T x V methodology for establishing a schedule for land disposal restrictions.

1. *Toxicity scores (T).* EPA has selected toxicity as a measure of a hazardous waste's inherent hazard. Although the legislative history of the 1984 HSWA indicates that "the critical factors in determining which wastes present the greatest hazards in land disposal are the toxicity of the waste and the volume of the waste being land disposed," the legislative history states that EPA may consider other factors in the areas of exposure (i.e., mobility and persistence) and data availability in establishing the schedule (see Conference Report, H.R. Rep. No. 98-1133, 98th Congress, 2nd Sess., at 88, reprinted in [1984] U.S. Code & Ad. News 5658-9). A number of comments requested that the Agency consider exposure in the schedule ranking methodology. At this time, EPA does not have sufficient data to consider exposure factors in ranking the relative hazard of hazardous wastes. While the Agency is in the process of gathering exposure data for the listed hazardous wastes and constituents, the statutory timeframe for schedule development precludes the use of this data in the scheduling rule.

Several comments focused on the quality of data used to develop the toxicity scores. These comments included suggestions for adjusting toxicity scores on the basis of data quality including a request for EPA to develop a contingency plan for evaluating waste constituents without chronic toxicity data.

The Agency is in the process of improving the toxicity data base for listed hazardous wastes and constituents through data collection and development. However, as is the case with exposure factors, the statutory time frame for schedule development precludes the use of the refined toxicity data base in the scheduling rule.

Although toxicity data vary widely in quantity and quality for each listed hazardous waste, the Agency has developed a procedure for objectively and systematically translating a variety of measures of chronic and acute toxicity into a toxicity score. This procedure, briefly described below, assigns a toxicity score, indicative of

intrinsic hazard, to hazardous waste constituents identified as "P" or "U" waste (i.e., commercial chemical products, off-specification species, container residues and spill residues thereof) and hazardous waste constituents listed in Appendix VII of 40 CFR Part 261. Although Appendix VII of 40 CFR Part 261 does not list constituents representative of all companies' waste streams, it is the best data EPA has and does list the hazardous constituents in the majority of waste streams.

Acute toxicity data (LD₅₀),² sub-chronic and chronic toxicity data (ADI's,³ and UCR's⁴) are the measures of toxicity used for scoring. Each hazardous waste constituent is assigned a score from 1 to 10 based on its toxic potency with the most toxic constituents receiving a score of 10 and the least toxic constituents receiving a score of 1. For example, metal hydroxide sludges (Waste No. F006) received a toxicity score of 5 indicating moderate toxicity.

In this schedule, less weight is given in the scoring procedure to acute effects than chronic effects. Historically, chronic effects resulting from continued exposure over long time periods have been used in evaluating environmental risks, e.g., drinking water regulations. However, there are still concerns over acute effects. For this reason, scoring is based primarily on the measures of chronic toxicity, which take the values of 1 to 9. Acute effects take the values of 1 or zero.

ADI or UCR values provide the basis for assigning scores from 1 to 9 to constituents, which roughly corresponds to order of magnitude changes in their toxic potency. Using the ADI as a measure of chronic toxicity, a substance with a low value for an ADI (high potency) receives a high toxicity score. In contrast, a substance with a high UCR value (high potency) receives a high toxicity score. The chronic toxicity score does not consider the severity of effect. The chronic toxicity scores of hazardous waste constituents judged to possess high acute toxicity are then adjusted upward by one unit according to the following scale:

² LD₅₀ represents the dose that is lethal to fifty percent of the animal test population following a single exposure.

³ ADI (acceptable daily intake) is the amount of toxic, noncarcinogenic, agent in mg/kg body weight/day (or in mg/day for a 70 kg person) which is not expected to result in any adverse effects after chronic exposure to the general population of humans, including sensitive subgroups.

⁴ UCR (unit carcinogenic risk) is the upper limit on the lifetime probability that the carcinogen will cause cancer at a dose of 1 mg/kg body weight/day.

For hazardous waste constituents with an LD₅₀ less than or equal to 50 mg/kg, add 1 to its chronic score.

For hazardous waste constituents with an LD₅₀ greater than 50 mg/kg, add 0 to its chronic score.

The 50 mg/kg cutoff was used for addressing acute toxicity in the scoring procedure because EPA uses this level to differentiate between "acute hazardous wastes" which are listed in 40 CFR 261.33(e) and "toxic wastes" which are listed in 40 CFR 261.33(f).

Constituent scores are converted to waste scores by assigning each hazardous waste the score of its most toxic constituent listed in Appendix VII to 40 CFR Part 261. The Agency based the schedule ranking on Appendix VII constituents in the waste because of limits in available data indicating which Appendix VIII constituents are found in the listed wastes.

The majority of comments of the proposed rule suggested that the concentration of toxic constituents in the waste stream be considered when establishing a toxicity score. Since wastes are assigned a toxicity score based on the most toxic constituent, it is possible that a waste can be scored for a constituent which is present at a low concentration. Despite EPA's request in the proposed schedule rule for data on constituent concentrations in hazardous waste, virtually none was received.

The Agency agrees that it is desirable to categorize wastes by constituent concentration. However data submitted to the Agency via permit applications, manifests, biennial reports and the "National Survey of Hazardous Waste Generators and Treatment, Storage and Disposal Facilities Regulated under RCRA in 1981," contain no information of constituent concentrations in hazardous wastes. EPA recognizes that the use of the most toxic constituent to determine the toxicity score for a waste may overestimate the relative hazard of a waste; however, lack of data characterizing wastes by constituent concentrations limits EPA to the most toxic constituent approach (Ref. 1). Therefore, although the steel industry commented that hexavalent chromium is present in their wastes in low concentrations, under the EPA approach, the toxicity score for these wastes is based on hexavalent chromium.

2. Volume scores. The volume scores for the proposed schedule were developed from data from the "National Survey of Hazardous Waste Generators and Treatment, Storage and Disposal Facilities Regulated under RCRA in 1981" (Ref. 2). This survey provides the

best readily available database on the volumes of specific waste generated and disposed. The reported volume land disposed⁵ for each hazardous waste identified by this survey was converted to a 1 to 10 order of magnitude scale. Hazardous wastes for which no volume was reported were assigned a score of 1.⁶ Basing the ranking on volume disposed rather than volume generated is consistent with the legislative history of the RCRA amendments (see H.R. Rep. No. 98-1133, 98th Cong., 2nd Sess., at 88 (1984)). In addition, since EPA is concerned with wastes that are being land disposed rather than wastes that are treated, recycled, or recovered, it is more appropriate to base the ranking on a volume disposed.

Several of the comments responding to the proposed rule expressed concern over the use of this data base as the only source for volume data. These comments identified the limitations of this database, i.e., only one-third of existing RCRA facilities were surveyed, and approximately one-half of the scheduled wastes report no volume disposed. Several commenters suggested using data from biennial reports instead of the survey data.

The Agency acknowledges the limitations in the database used to develop the volume scores. However, the Agency does not believe that the 1983 biennial reports, in addition to Part A permits or manifests provide better, more reliable data than the survey.

For example, the available summary data from the 1983 biennial reports represents the Agency's first attempt to gather summary biennial report data from the States (most of which are authorized to run their own hazardous waste program). The overall quality and representativeness of the information was low due to a combination of differing priorities given to this effort among the States and the lack of a uniform reporting format (i.e., forms and frequency of reporting required) among the States. Furthermore, because this is a census, and not a statistical survey, it is difficult to extrapolate from the

⁵ Consistent with the statutory definition of land disposal in Section 3004(k) volume disposed is that quantity of a hazardous waste managed in deep injection wells landfills, surface impoundments, land treatment facilities, and waste piles.

⁶ The "National Survey of Hazardous Waste Generators and Treatment, Storage and Disposal Facilities Regulated under RCRA in 1981" included only one-third of all facilities in the United States. In addition, land disposal facilities were required to report the 10 highest volume wastes disposed of in their facility. Thus, some listed hazardous wastes were not reported to be land disposed in the survey. Most of these wastes are P and U wastes listed in 40 CFR 261.33 whose total volume disposed is a small percentage of all hazardous wastes disposed.

submitted data to account for data gaps and incompatibilities. As a result, the Agency is working with the States to improve the quality and usefulness of biennial report data to be submitted in 1986 (on waste management activities in calendar year 1985). However, summary data from this effort will not be available in time to use it as a basis for volume scores in the schedule, given the November 8, 1986 statutory deadline.

An additional comment received on the volume scores stated that estimates of a volume disposed may include treatment residues as well as untreated wastes. As a result, EPA should determine which wastes are treated (by percent) and adjust volume scores accordingly. The Agency points out, however, that treated wastes are subject to land disposal restrictions unless the EPA approved treatment standard is met. Therefore, including treatment residues with untreated wastes for the purpose of developing a volume score is appropriate.

A more detailed explanation of the toxicity and volume scoring procedures is available upon request in a document titled "Documentation For The Development of Toxicity and Volume Scores, for the Purposes of Scheduling Hazardous Wastes." Requests for this document should be made by telephone to the RCRA Hotline, (800) 424-9346 (toll free) or (202) 382-3000 or in writing to Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

III. Schedule Interpretation

The Agency received comments on use of the T x V methodology in future EPA actions unrelated to the schedule. When assessing the schedule it is important to recognize that the method used to develop the schedule does not result in an absolute risk ranking. Rather, the schedule is the Agency's attempt to develop a relative hazard ranking for all wastes listed under section 3001. Therefore, the schedule should not be taken as an indication of Agency decisions on acceptable levels for these wastes and constituents.

In addition, the Agency received several comments suggesting that land treatment be considered as a method for treating hazardous wastes, rather than a method for land disposing hazardous wastes. HSWA defines land treatment as a method of land disposal thereby limiting the Agency's discretion to consider land treatment units as other than land disposal. The Agency refers these commenters to the discussion on land treatment contained in the

Hazardous Waste Management System; Land Disposal Restrictions proposed rule (see 51 FR at 1602, January 14, 1986).

Lastly, a comment suggested that EPA keep open the record on this rulemaking because critical elements of the land disposal process have not yet been defined (e.g., the petition process, treatment standards, variances, extensions). The standard for developing the schedule is laid out clearly in the statute and accompanying legislative history (3004(g); see Conference Report, H.R. Rep. No. 98-1133, 98th Congress, 2nd Sess., at 88 reprinted in [1984] U.S. Code & Ad. News 5658-9). EPA does not believe that information pertaining to the Agency's implementation of the other elements of the land disposal restriction program is necessary in order to provide informed comment on EPA's approach to meeting this standard. Public comment on these elements will be allowed for within the Hazardous Waste Management System; Land Disposal Restriction; proposed rulemaking.

IV. Wastes Included in the Ranking

Today's rulemaking includes all the wastes that were listed as hazardous in 40 CFR Part 261 as of November 8, 1984, except for the spent solvent wastes listed as EPA hazardous waste numbers F001, F002, F003, F004 and F005 and Dioxin-containing hazardous wastes numbered F020, F021, F022, F023, F026, F027 and F028. These two categories of waste are excluded from the schedule because the statute requires decisions on them to be made within 24 months of enactment.

The ranking does, however, contain wastes that may be covered by the "California List." There are several reasons for their inclusion. First, the "California List" is expressed in the RCRA amendments in terms of concentration of constituents, rather than as specific EPA hazardous waste codes. Translating the generic categories of the "California List" into EPA waste codes is very difficult. This is because a specific waste code may apply to a number of different wastes which vary significantly in concentration of hazardous constituents. At this time, the Agency anticipates that its rules on the "California List" will follow the same format as the provision in the RCRA amendments, that is, expressed as a concentration of constituents, rather than as EPA waste codes.

A second reason for including wastes potentially covered by the "California List" on the ranking is that the "California List" may address some, but not necessarily all, of the constituents of concern in a waste. Wastes which

contain "California List" constituents in concentrations lower than the levels set by the statute (or set by the Agency when it reviews the California List) might contain other hazardous constituents that threaten human health and the environment. Consequently, the Agency is scheduling these wastes for bans or treatment standards related to these other constituents.

Also, wastes identified as hazardous based on a characteristic alone (i.e., corrosivity, reactivity, ignitability and EP Toxicity) are not included in the proposed ranking. The RCRA amendments specify that these wastes will be reviewed in the last third.

The American Mining Congress commented that land disposal restrictions were designed by Congress for wastes other than those from the extraction, beneficiation and processing of ores and minerals. Section 3004(x) of RCRA authorizes EPA to modify the requirements of subsections 3004(d), (e), (f), and (g) to take into account the special characteristics of certain mining wastes, the practical difficulties associated with implementing requirements for such wastes and site specific characteristics including but not limited to the climate, geology, hydrology and soil chemistry at the site, so long as such modified requirements protect human health and the environment. Accordingly, EPA intends to examine how land disposal restriction decisions should apply to mining wastes prior to subjecting them to regulation. The Agency points out however, that should mining wastes become listed or characteristic wastes under section 3001 after November 8, 1984, EPA is required to make land disposal restriction determinations within 6 months of the date of listing.

Lastly, since all of the wastes listed as hazardous under 40 CFR Part 261 (including those specifically exempted from this rulemaking), are CERCLA hazardous substances, releases of any of these wastes (except federally permitted releases), that equal or exceed the applicable reportable quantity must be reported immediately to the National Response Center.

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities (RQs) immediately notify the National Response Center (at (800) 424-8802 or (202) 426-2675) of the release.

V. Regulatory Impact

A. Executive Order 12291

Executive Order 12291 requires that the regulatory impact of potential Agency actions be evaluated as part of the process of developing regulations. Such an assessment consists of a description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms (Section 3(d)(2)); and a description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms (section 3(d)(3)).

In addition, Executive Order 12291 requires that regulatory agencies prepare a Regulatory Impact Analysis in connection with major rules (Section 3). Major rules are defined in section 1(b) as those which are likely to result in an annual effect on the economy of \$100 million or more, a major increase in costs or prices for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, innovation, or international trade.

Today's rule establishes the timing for regulatory decisions on listed hazardous wastes not designated as solvents or dioxins by the statute. The schedule does not impose any mandatory requirements, unless the Agency fails to make decisions as Congress has mandated. It will be EPA's regulatory decisions that define the impacts on regulated parties. EPA will evaluate the risks, costs, and impacts of these decisions. Therefore, EPA does not consider this rule to be a major rule as defined by Executive Order 12291.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5, U.S.C. 601 et seq., whenever an agency is required to issue a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a Regulatory Flexibility Analysis which describes the impact of the rule on small entities (i.e., small business, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities. Since, as explained above, this schedule is only a preliminary step that has no direct regulatory impact, I hereby certify that this regulation will not have a significant economic impact on a

substantial number of small entities, and therefore, does not require a Regulatory Flexibility Analysis.

C. Paperwork Reduction Act

Section 3004(g)(3) of RCRA as amended by the HSWA exempts the schedule from the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Development of the schedule does not, in any event, contain any information collection requirements as described by provisions of the Paperwork Reduction Act.

VI. Impact on Authorized States

This proposal has no immediate impact on authorized States as it merely establishes EPA's schedule for land disposal prohibitions and treatment determinations. The impact on authorized States will be addressed when these determinations are made.

VII. References

(1) "Documentation For The Development of Toxicity and Volume Scores for the Purposes of Scheduling Hazardous Wastes." Report prepared for Office of Solid Waste, USEPA, by Environ Corporation, 1985.

(2) "USEPA. 1984. National Survey of Hazardous Waste Generators and Treatment, Storage and Disposal Facilities Regulated Under RCRA in 1981." Office of Solid Waste and Emergency Response. April (EPA 530/SW-84-005).

List of Subjects in 40 CFR Part 268

Environmental protection, Hazardous materials.

Dated: May 21, 1986.

Lee M. Thomas,
Administrator.

Therefore, Chapter I of Title 40 of the Code of Federal Regulations is amended by adding new Part 268 to read as follows:

PART 268—LAND DISPOSAL RESTRICTIONS

Subpart A—[Reserved]

Subpart B—Schedule for Land Disposal Prohibition and Establishment of Treatment Standards

Sec.

268.10 Identification of wastes to be evaluated by August 8, 1988.

268.11 Identification of wastes to be evaluated by June 8, 1989.

268.12 Identification of wastes to be evaluated by May 8, 1990.

268.13 Schedule for wastes identified or listed after November 8, 1984.

Authority: Secs. 1106, 2002(a), 3001, and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924).

Subpart A—[Reserved]

Subpart B—Schedule for Land Disposal Prohibition and Establishment of Treatment Standards

§ 268.10 Identification of wastes to be evaluated by August 8, 1988.

EPA will take action under sections 3004(g)(5) and 3004(m), of the Resource Conservation and Recovery Act, by August 8, 1988, for the following wastes (for ease of understanding the wastes have been listed by the section of 40 CFR Part 261 under which they were listed):

§ 261.31 Wastes

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F007—Spent cyanide plating bath solutions from electroplating operations.

F008—Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.

§ 261.32 Wastes

K001—Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.

K004—Wastewater treatment sludge from the production of zinc yellow pigments.

K008—Over residue from the production of chrome oxide green pigments.

K011—Bottom stream from the wastewater stripper in the production of acrylonitrile.

K013—Bottom stream from the acetonitrile column in the production of acrylonitrile.

K014—Bottoms from the acetonitrile purification column in the production of acrylonitrile.

K015—Still bottoms from the distillation of benzyl chloride.

K016—Heavy ends or distillation residues from the production of carbon tetrachloride.

K017—Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

K018—Heavy ends from the fractionation column in ethyl chloride production.

K020—Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

K021—Aqueous spent antimony catalyst waste from fluoromethanes production.

K022—Distillation bottom tars from the production of phenol/acetone from cumene.

K024—Distillation bottoms from the production of phthalic anhydride from naphthalene.

K030—Column bottom or heavy ends from the combined production of trichloroethylene and perchloroethylene.

K031—By-products salts generated in the production of MSMA and cacodylic acid.

K035—Wastewater treatment sludges generated in the production of creosote.

K036—Still bottoms from toluene reclamation distillation in the production of disulfoton.

K037—Wastewater treatment sludge from the production of disulfoton.

K044—Wastewater treatment sludges from the manufacturing and processing of explosives.

K045—Spent carbon from the treatment of wastewater containing explosives.

K046—Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

K047—Pink/red water from TNT operations.

K048—Dissolved air flotation (DAF) float from the petroleum refining industry.

K049—Stop oil emulsion solids from the petroleum refining industry.

K050—Heat exchange bundle cleaning sludge from the petroleum refining industry.

K051—API separator sludge from the petroleum refining industry.

K052—Tank bottoms (lead) from the petroleum refining industry.

K060—Ammonia still lime sludge from coking operations.

K061—Emission control dust/sludge from the primary production of steel in electric furnaces.

K062—Spent pickle liquor from steel finishing operations in chlorine production.

K069—Emission control dust/sludge from secondary lead smelting.

K071—Brine purification muds from the mercury cells process in chlorine production, where separately prepurified brine is not used.

K073—Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes.

K083—Distillation bottoms from aniline production.

K084—Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

K085—Distillation of fractionation column bottoms from the production of chlorobenzenes.

K086—Solvent washes and sludges; caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

K087—Decanter tank tar sludge from coking operations.

K099—Untreated wastewater from the production of 2,4-D.

K101—Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary

pharmaceuticals from arsenic or organo-arsenic compounds.

- K102—Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.
K103—Process residues from aniline extraction from the production of aniline.
K104—Combined wastewater streams generated from nitrobenzene/aniline production.
K106—Waste water treatment sludge from the mercury cell process in chlorine production.

§ 261.33(e) Wastes

- P001—Warfarin, when present at concentration greater than 0.3%
P004—Aldrin
P005—Allyl alcohol
P010—Arsenic acid
P011—Arsenic (V) oxide
P012—Arsenic (III) oxide
P015—Beryllium dust
P016—Bis-(chloromethyl) ether
P018—Brucine
P020—Dinoseb
P030—Soluble cyanide salts not elsewhere specified
P036—Dichlorophenylarsine
P037—Dieldrin
P039—Disulfoton
P041—Diethyl-p-nitrophenyl phosphate
P048—2,4-Dinitrophenol
P050—Endosulfan
P058—Fluoroacetic acid, sodium salt
P059—Heptachlor
P063—Hydrogen cyanide
P068—Methyl Hydrazine
P069—Methyl lactonitrile
P070—Aldicarb
P071—Methyl parathion
P081—Nitroglycerine
P082—N-Nitrosodimethylamine
P084—N-Nitrosomethylvinylamine
P087—Osmium tetroxide
P089—Parathion
P092—Phenylmercuric acetate
P094—Phorate
P097—Famphur
P102—Propargyl alcohol
P105—Sodium azide
P108—Strychnine and salts
P110—Tetraethyl lead
P115—Thallium (I) sulfate
P120—Vanadium pentoxide
P122—Zinc phosphide, when present at concentrations greater than 10%
P123—Toxaphene

§ 261.33(f) Wastes

- U007—Acrylamide
U009—Acrylonitrile
U010—Mitomycin C
U012—Aniline
U016—Benz(c)acridine
U018—Benz(a)anthracene
U019—Benzene
U022—Benzo(a)pyrene
U029—Methyl bromide
U031—n-Butanol
U036—Chlordane, technical
U037—Chlorobenzene
U041—n-Chloro-2,3-epoxypropane
U043—Vinyl chloride
U044—Chloroform

- U046—Chloromethyl methyl ether
U050—Chrysene
U051—Creosote
U053—Crotonaldehyde
U061—DDT
U063—Dibenz o (a, h) anthracene
U064—1,2,7,8 Dibenzo(p)pyrene
U066—Dibromo-3-chloropropane 1,2-
U067—Ethylene dibromide
U074—1,4-Dichloro-2-butene
U077—Ethane, 1,2-dichloro-
U078—Dichloroethylene, 1,1-
U086—N,N Diethylhydrazine
U089—Diethylstilbestrol
U103—Dimethyl sulfate
U105—2,4-Dinitrotoluene
U108—Dioxane, 1,4-
U115—Ethylene oxide
U122—Formaldehyde
U124—Furan
U129—Lindane
U130—Hexachlorocyclopentadiene
U133—Hydrazine
U134—Hydrofluoric acid
U137—Indeno(1,2,3-cd)pyrene
U151—Mercury
U154—Methanol
U155—Methapyriline
U157—3-Methylcholanthrene
U158—4,4-Methylene-bis-(2-chloroaniline)
U159—Methyl ethyl ketone
U171—Nitropropane, 2-
U177—N-Nitroso-N-methylurea
U180—N-Nitrosopyrrolidine
U185—Pentachloronitrobenzene
U188—Phenol
U192—Pronamide
U200—Reserpine
U209—Tetrachloroethane, 1,1,2,2-
U210—Tetrachloroethylene
U211—Carbon tetrachloride
U219—Thiourea
U220—Toluene
U221—Toluenediamine
U223—Toluene diisocyanate
U226—Methylchloroform
U227—Trichloroethane, 1,1,2-
U228—Trichloroethylene
U237—Uracil mustard
U238—Ethyl carbamate
U248—Warfarin, when present at concentrations of 0.3% or less
U249—Zinc phosphide, when present at concentrations of 10% or less

§ 268.11 Identification of wastes to be evaluated by June 8, 1989.

EPA will take action under sections 3004(g)(5) and 3004(m) of the Resource Conservation and Recovery Act, by June 8, 1989, for the following wastes (for ease of understanding the wastes have been listed by the section of 40 CFR Part 261 under which they were listed):

§ 261.31 Wastes

- F010—Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process.
F011—Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
F012—Quenching wastewater treatment sludges from metal heat operations where cyanides are used in the process.

F024—Wastes including but not limited to, distillation residues, heavy ends, tars and reactor clean-out wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. [This listing does not include light ends, spent filters and filter aids, spent desiccants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in § 261.32.]

§ 261.32 Wastes

- K009—Distillation bottoms from the production of acetaldehyde from ethylene.
K010—Distillation side cuts from the productions of acetaldehyde from ethylene.
K019—Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.
K025—Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K027—Centrifuge and distillation residues from toluene diisocyanate production.
K028—Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
K029—Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
K038—Wastewater from the washing and stripping of phorate production.
K039—Filter cake from the filtration of diethylphosphoro-dithioic acid in the production of phorate.
K040—Wastewater treatment sludge from the production of phorate.
K041—Wastewater treatment sludge from the production of toxaphene.
K042—Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.
K043—2,6-Dichlorophenol waste from the production of 2,4-D.
K095—Distillation bottoms from the production of 1,1,1-trichloroethane.
K096—Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.
K097—Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
K098—Untreated process wastewater from the production of toxaphene.
K105—Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

§ 261.33(e) Wastes

- P002—1-Acetyl-2-thiourea
P003—Acrolein
P007—5-(Aminoethyl)-3-isoxazolol
P008—4-Aminopyridine
P014—Thiophenol
P026—1-(o-Chlorophenyl)thiourea
P027—Propanenitrile, 3-chloro
P029—Copper cyanides
P040—O,O-Diethyl-o-pyrazinyl phosphorothioate
P043—Diisopropyl fluorophosphate
P044—Dimethoate
P049—2,4-Dithiobiuret
P054—Aziridine
P057—Fluoroacetamide
P060—Isodrin
P062—Hexaethyltetraphosphate

P066—Methomyl
 P067—2-Methylaziridine
 P072—Alpha-naphthylthiourea (ANTU)
 P074—Nickel cyanide
 P085—Octamethylpyrophosphoramide
 P098—Potassium cyanide
 P104—Silver cyanide
 P106—Sodium cyanide
 P107—Strontium sulfide
 P111—Tetraethylpyrophosphate
 P112—Tetrantromethane
 P113—Thallic oxide
 P114—Thallium (I) selenite

§ 261.33(f) Wastes

U002—Acetone
 U003—Acetonitrile
 U005—o-Acetylaminofluorene
 U008—Acrylic acid
 U011—Amitrole
 U014—Auramine
 U015—Azaserine
 U020—Benzenesulfonyl chloride
 U021—Benzidine
 U023—Benzotrichloride
 U025—Dichloroethyl ether
 U026—Chloronaphazene
 U028—Bis-(2-ethylhexyl)phthalate
 U032—Calcium chromate
 U035—Chlorambucil
 U047—Beta-chloronaphthalene
 U049—4-Chloro-o-toluidine, hydrochloride
 U057—Cyclohexanone
 U058—Cyclophosphamide
 U059—Daunomycin
 U060—DDD
 U062—Diallate
 U070—o-Dichlorobenzene
 U073—Dichlorobenzidine, 3,3'-
 U080—Methylene chloride
 U083—Dichloropropane, 1,2-
 U092—Dimethylamine
 U093—Dimethylaminoazobenzene
 U094—Dimethylbenz(a)anthracene, 7,12-
 U095—Dimethylbenzidine, 3,3'-
 U097—Dimethylcarbamoyl chloride
 U098—Dimethylhydrazine, 1,1-
 U099—Dimethylhydrazine, 1,2-
 U101—Dimethylphenol, 2,4-
 U106—Dinitrotoluene, 2,6-
 U107—Di-n-octyl phthalate
 U109—1,2-Diphenylhydrazine
 U110—Dipropylamine
 U111—Di-N-Propylnitrosamine
 U114—Ethylenebis(dithiocarbamic acid)
 U116—Ethylene thiourea
 U119—Ethyl methanesulfonate
 U127—Hexachlorobenzene
 U128—Hexachlorobutadiene
 U131—Hexachloroethane
 U135—Hydrogen sulfide
 U138—Methyl iodide
 U140—Isobutyl alcohol
 U142—Kepone
 U143—Lasiocarpine
 U144—Lead acetate
 U146—Lead subacetate
 U147—Maleic anhydride
 U149—Malononitrile
 U150—Melphalan
 U161—Methyl isobutyl ketone
 U162—Methyl methacrylate
 U163—N-Methyl-N-nitro-N-nitrosoguanidine
 U164—Methylthiouracil
 U165—Naphthalene
 U168—Naphthylamine, 2-

U169—Nitrobenzene
 U170—p-Nitrophenol
 U172—N-Nitroso-di-n-butylamine
 U173—N-Nitroso-diethanolamine
 U174—N-Nitroso-diethylamine
 U176—N-Nitroso-N-ethylurea
 U178—N-Nitroso-N-methylurethane
 U179—N-Nitrosopiperidine
 U189—Phosphorus sulfide
 U193—1,3-Propane sultone
 U196—Pyridine
 U203—Safrole
 U205—Selenium disulfide
 U206—Streptozotocin
 U208—Terachloroethane, 1,1,1,2-
 U213—Tetrahydrofuran
 U214—Thallium (I) acetate
 U215—Thallium (I) carbonate
 U216—Thallium (I) chloride
 U217—Thallium (I) nitrate
 U218—Thioacetamide
 U235—Tris (2,3-Dibromopropyl) phosphate
 U239—Xylene
 U244—Thiram

§ 268.12 Identification of wastes to be evaluated by May 8, 1990.

EPA will take action under sections 3004(g)(5) and 3004(m) of the Resource Conservation and Recovery Act, by May 8, 1990, for the following wastes (for ease of understanding, the wastes have been listed by the section of 40 CFR Part 261 under which they were listed):

§ 261.32 Wastes

K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments.
 K003—Wastewater treatment sludge from the production of molybdate orange pigments.
 K005—Wastewater treatment sludge from the production of chrome green pigments.
 K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
 K007—Wastewater treatment sludge from the production of iron blue pigments.
 K023—Distillation light ends from the production of phthalic anhydride from naphthalene.
 K026—Stripping still tails from the production of methyl ethyl pyridines.
 K032—Wastewater treatment sludge from the production of chlordane.
 K033—Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
 K034—Filter solids from the hexachlorocyclopentadiene in the production of chlordane.
 K093—Distillation light ends from the production of phthalic anhydride from ortho-xylene.
 K094—Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
 K100—Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.

§ 261.33(e) Wastes

P006—Aluminum phosphide
 P009—Ammonium picrate
 P013—Barium cyanide

P017—Bromoacetone
 P021—Calcium cyanide
 P022—Carbon disulfide
 P023—Chloroacetaldehyde
 P024—p-Chloroaniline
 P028—Benzyl chloride
 P031—Cyanogen
 P033—Cyanogen chloride
 P034—4,6-Dinitro-o-cyclohexylphenol
 P038—Diethylarsine
 P042—Epinephrine
 P045—Thiofanox
 P046—Alpha, alpha-Dimethylphenethylamine
 P047—4,6-Dinitro-o-cresol and salts
 P051—Endrin
 P056—Fluorine
 P064—Methyl isocyanate
 P065—Mercury fulminate
 P073—Nickel carbonyl
 P075—Nicotine and salts
 P076—Nitric oxide
 P077—p-Nitroaniline
 P078—Nitrogen dioxide
 P088—Endothall
 P093—N-Phenylthiourea
 P095—Phosgene
 P096—Phosphine
 P099—Potassium silver cyanide
 P101—Propanenitrile
 P103—Selenourea
 P109—Tetraethyldithiopyrophosphate
 P116—Thiosemicarbazide
 P118—Trichloromethanethiol
 P119—Ammonium vanadate
 P121—Zinc cyanide

§ 261.33(f) Wastes

U001—Acetaldehyde
 U004—Acetophenone
 U006—Acetyl chloride
 U017—Benzal chloride
 U024—Bis(2-chloroethoxy)methane
 U027—Bis(2-chloroisopropyl)ether
 U030—Benzene, 1-bromo-4-phenoxy
 U033—Carbonyl fluoride
 U034—Chloral
 U038—Ethyl-4,4'-dichlorobenzilate
 U039—4-Chloro-m-cresol
 U042—Vinyl ether, 2-chloroethyl
 U045—Methyl chloride
 U048—o-Chlorophenol
 U052—Cresols
 U055—Cumene
 U056—Cyclohexane
 U068—Methane, dibromo
 U069—Dibutyl phthalate
 U071—m-Dichlorobenzene
 U072—p-Dichlorobenzene
 U075—Dichlorodifluoromethane
 U076—Ethane, 1,1-dichloro-
 U079—1,2-Dichlorethylene
 U081—2,4-Dichlorophenol
 U082—2,6-Dichlorophenol
 U084—1,3-Dichloropropene
 U085—2,2'-Bioxirane
 U087—0,0-Diethyl-S-methyl-dithiophosphate
 U088—Diethyl phthalate
 U090—Dihydrosafrole
 U091—3,3'-Dimethoxybenzidine
 U096—alpha,alpha-Dimethylbenzylhydroxyperoxide
 U102—Dimethyl phthalate
 U112—Ethyl acetate
 U113—Ethyl acrylate
 U117—Ethyl ether

U118—Ethylmethacrylate
U120—Fluoranthene
U121—Trichloromonofluoromethane
U123—Formic acid
U125—Furfural
U126—Glycidylaldehyde
U132—Hexachlorophene
U136—Cacodylic acid
U139—Iron dextran
U141—Isosafrole
U145—Lead phosphate
U148—Maleic hydrazide
U152—Methacrylonitrile
U153—Methanethiol
U156—Methyl chlorocarbonate
U160—Methyl ethyl ketone peroxide
U166—1,4-Naphthaquinone
U167—1-Naphthylamine
U181—5-Nitro-o-toluidine
U182—Paraldehyde

U183—Pentachlorobenzene
U184—Pentachloroethane
U186—1,3-Pentadiene
U187—Phenacetin
U190—Phthalic anhydride
U191—2-Picoline
U194—1-Propanamine
U197—p-Benzoquinone
U201—Resorcinol
U202—Saccharin and salts
U204—Selenious acid
U207—1,2,4,5-tetrachlorobenzene
U222—o-Toluidine hydrochloride
U225—Bromoform
U234—Sym-Trinitrobenzene
U236—Trypan blue
U240—2,4-D, salts and esters
U243—Hexachloropropene
U246—Cyanogen bromide
U247—Methoxychlor

Wastes identified as hazardous based on a characteristic alone (i.e., corrosivity, reactivity, ignitability and EP toxicity).

§ 268.13 Schedule for wastes identified or listed after November 8, 1984.

In the case of any hazardous waste identified or listed under section 3001 after November 8, 1984, the Administrator shall make a land disposal prohibition determination within 6 months after the date of identification or listing.

[FR Doc. 86-11870 Filed 5-27-86; 8:45 am]

BILLING CODE 6560-50-M

Estimote

Wednesday
May 28, 1986

Part IV

Department of Education

34 CFR Part 300

Special Education and Rehabilitation Services; Assistance to States for Education of Handicapped Children; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 300

Special Education and Rehabilitation Services; Assistance to States for Education of Handicapped Children

AGENCY: Department of Education.

ACTION: Final regulations; technical amendments.

SUMMARY: The Secretary amends the regulations for Part B of the Education of the Handicapped Act (EHA-B). These technical amendments are needed to implement the revisions made to section 611(c)(2)(A)(i)(II) of the EHA-B (20 U.S.C. 1411(c)(2)(A)(i)(II)) by section 601(a) of Pub. L. 99-159. The amount available for State administrative costs has been changed to implement the statutory amendment.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: David B. Weber, Director, Division of Assistance to States, Special Education Programs, Department of Education, 400 Maryland Avenue SW, (Switzer Building, Room 3511—M/S2313) Washington, DC 20202; Telephone: (202) 732-1014.

SUPPLEMENTARY INFORMATION: Certain provisions of Section 611 of Part B of the Education of the Handicapped Act (20 U.S.C. 1401, 1411 et seq.) are revised by Pub. L. 99-159, enacted on November 22, 1985. Part B authorizes formula grants to State educational agencies and, through them, to local educational agencies and intermediate educational agencies to assist them in the education of handicapped children. The purposes of the EHA-B, according to section 601(c), are to ensure that a free appropriate public education is made available to all handicapped children; to ensure that the rights of handicapped children and their parents are protected; to assist States and localities to provide for the education of handicapped children; and to assess and ensure the effectiveness of efforts to educate those children.

Section 611 of the EHA-B includes a formula for calculating each State's grant for any fiscal year. Section 611 also provides the percentage of its grant that a State educational agency must distribute to local educational agencies (75 percent) and the percentage of its grant that may be used for

administrative costs and for direct and support services (25 percent). Section 611(c)(2)(A)(i)(II) previously provided that a State educational agency may use an amount equal to up to five percent of the grant or \$300,000, whichever is greater, for administrative costs. Section 601(a) of Pub. L. 99-159 amended that requirement by increasing the amount available for State administration to \$350,000. This technical revision also applies to the Department of the Interior's grant since the Secretary of Education allows the Secretary of the Interior to use an amount comparable to the amount available to a State educational agency for program administrative costs.

An additional technical amendment is made to 34 CFR 300.620. A sentence is added to clarify that there is a twenty-five percent limitation on the amount that may be used for administrative costs in any fiscal year. This amendment also deletes an error in a cross-reference to other sections of the regulations previously published at 34 CFR 300.620.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

To the extent that these regulations affect States and State agencies, they will not have an impact on small entities because States and State agencies are not considered to be small entities under the Regulatory Flexibility Act.

These regulations may affect those small local educational agencies receiving Federal financial assistance under this program. However, the regulations will not have a significant economic impact on the small local educational agencies affected because the amount of funds in question is a maximum of \$50,000 per State, and this amount must not be deducted from the 75 percent portion of the EHA-B grant that must be distributed to local educational agencies. These final regulations do not impose any additional regulatory burden.

This amendment to the regulations imposes no additional requirements other than the specific change required by the statute.

Waiver of Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, since the change made in the regulations merely incorporates a statutory change into existing regulations and does not itself establish new substantive policy, public comment could have no effect on the content of this amendment. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B) that proposed rulemaking on this amendment is unnecessary and contrary to the public interest.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79 (48 FR 29158; June 24, 1983). The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

In accordance with the Order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document would not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 300

Administrative practice and procedure, Education, Education of handicapped, Equal education opportunity, Grants program—education, Privacy, Private Schools, and Reporting and recordkeeping requirements.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance No. 84.027; Assistance to States for Education of Handicapped Children)

Dated: May 22, 1986.
William J. Bennett,
Secretary of Education.

PART 300—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

The Secretary amends Part 300 of Title 34 of The Code of Federal Regulations as follows:

1. The authority citation for Part 300 is revised to read as follows:

Authority: 20 U.S.C. 1411-1420, unless otherwise noted.

2. Section 300.262 is amended by revising paragraph (a) to read as follows:

§ 300.262 Use of Part B funds.

(a) The Department of the Interior may use five percent of its payment in any fiscal year, or \$350,000, whichever is greater, for administrative costs in carrying out the provisions of this part.

* * * * *

3. Section 300.620 is revised to read as follows:

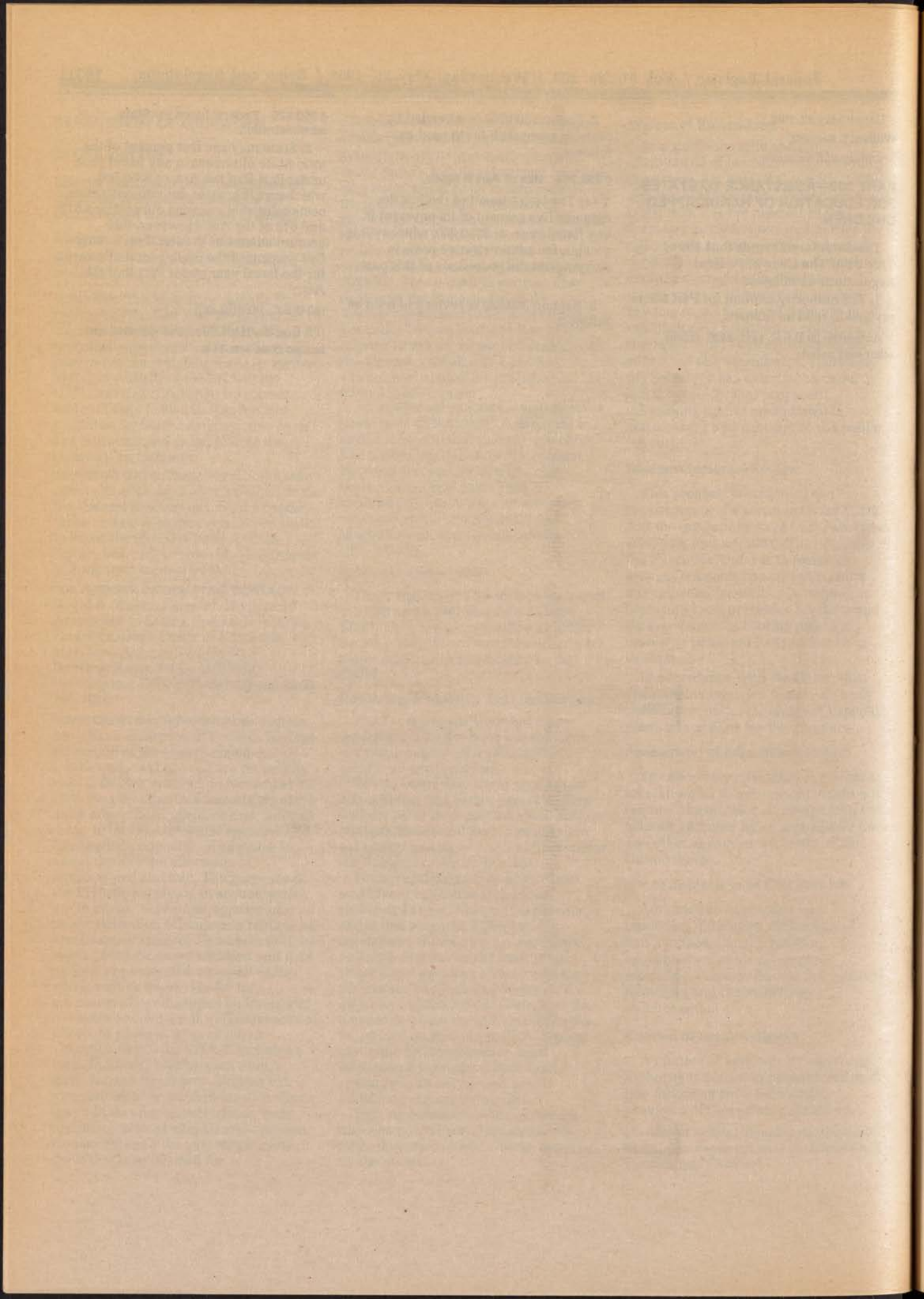
§ 300.620 Federal funds for State administration.

A State may use five percent of the total State allotment in any fiscal year under Part B of the Act, or \$350,000, whichever is greater, for administrative costs related to carrying out sections 612 and 613 of the Act. However, this amount cannot be greater than twenty-five percent of the State's total allotment for the fiscal year under Part B of the Act.

(20 U.S.C. 1411 (b), (c))

[FR Doc. 86-11861 Filed 5-27-86; 8:45 am]

BILLING CODE 4000-01-M



42 Part Federal Register

Wednesday
May 28, 1986

Part V

Department of Education

34 CFR Parts 700, 701, 702, 703, 709,
710, 716, 718, 720, and 795

Educational Research Grant Program;
Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts, 700, 701, 702, 703, 709, 710, 716, 718, 720, and 795

Educational Research Grant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education (the Secretary) issues final regulations, that consolidate ten existing regulations affecting the Office of Education Research and Improvement's (OERI) direct grant programs into one regulation implementing section 405 of the General Education Provisions Act (GEPA), except for subsections 405(f) and 405(k). These final regulations streamline government administration, improve readability, and reduce the burdens on the affected public.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Frank Sobol, U.S. Department of Education, Office of Education Research and Improvement, Mail Stop 1612, 1200 19th Street, NW, Washington, DC 20208. Telephone Number (202) 254-5740.

SUPPLEMENTARY INFORMATION:

Background

The existing regulations which are affected by the final regulations were promulgated by the National Institute of Education (NIE). Since the publication of the notice of proposed rulemaking for NIE's Educational Research Grant Program, the functions of NIE have been reorganized within the Office of Educational Research and Improvement (OERI) pursuant to Section 413 of the Department of Education Organization Act (DEOA) (20 U.S.C. 3473). While NIE has been abolished as a separate entity within OERI, its functions, which are governed by these final regulations, are continued within OERI. NIE's educational research grant programs and the rules which govern those programs are to be administered by the Assistant Secretary for OERI.

The Secretary has reviewed the existing regulations governing the programs authorized by section 405 of GEPA and amends Title 34 of the Code of Federal Regulations (CFR) by removing Parts 701, 702, 703, 709, 710, 716, 718, 720, and 795, and by revising

Part 700. The final regulations consolidate portions of existing regulations while removing others that are obsolete. The final regulations establishing an Educational Research Grant Program define applicant eligibility; provide definitions of terms used in the regulations; specify types of grants; list authorized activities; list possible funding priorities; establish application procedures for field-initiated studies projects; establish procedures for the evaluation of applications; and provide selection criteria.

A notice or proposed rulemaking was published in the *Federal Register* on March 12, 1985 (50 FR 9970). No comments were received during the public comment period.

The Secretary has made several technical changes to improve the clarity of these final rules. The citation of authority for these rules has been changed to conform to the *Federal Register* format using only the United States Code (U.S.C.) reference.

"Planning" as an educational research project activity has been added to the list of types of projects the Secretary may assist under § 700.11(b). Like the other activities listed § 700.11(b), this activity is authorized by section 405(e)(1) of GEPA. It was inadvertently left out of the NPRM.

As a clarification, "school discipline" has been added to the funding priority "organization and management of schools, including effective school administration and leadership" at § 700.12(a)(6).

Section 700.32, concerning procedures for selecting field-initiated studies applications for funding, has been revised. The order of the paragraphs (a) and (b) of this section has been reversed. This change is made so that the most important information about field-initiated studies applications comes first in the section. The new § 700.32(a) sets out the rules governing competitions for field-initiated studies grants. It is followed by new § 700.32(b) which specifies the membership of the review board for field-initiated studies applications, and the procedure for reviewing those applications. In addition, § 700.32(b)(4) has been deleted as an unnecessary duplication of EDGAR. The rules governing the Secretary's authority to hold all applications submitted under a particular priority for a separate competition are established in 34 CFR 75.105.

The rules governing the Unsolicited Proposal Program in current 34 CFR Parts 700 and 701 are superseded by

these final rules. Applications for grants under OERI's announced Unsolicited Proposal Program for Fiscal Year 1986, published in the *Federal Register* on January 6, 1986 (51 FR 425), should note that review of their applications will be governed by § 700.32 of these final regulations concerning the review of field-initiated studies applications. The term "field-initiated studies applications" in these final rules has the same meaning as "unsolicited proposals" at superseded 34 CFR 701.6.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require the transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the lack of comments on the proposed rules and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 700

Education, Education research, Grant programs—education, Reporting and recordkeeping requirements.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these final regulations.

(Catalog of Federal Domestic Assistance number 84.117, Educational Research and Development)

Dated: May 22, 1986.

William J. Bennett,
Secretary of Education.

PARTS 701, 702, 703, 709, 710, 716, 718, 720, AND 795 [REMOVED]

The Secretary amends Title 34 of the Code of Federal Regulations by removing Parts 701, 702, 703, 709, 710, 716, 718, 720, and 795 and by revising Part 700 to read as follows:

PART 700—EDUCATIONAL RESEARCH GRANT PROGRAM

Subpart A—General

Sec.

- 700.1 What is the Educational Research Grant Program
- 700.2 What parties are eligible for an award under the Educational Research Grant Program?
- 700.3 What regulations apply to this program?
- 700.4 What definitions apply to this program?

Subpart B—What Types of Activities Does the Secretary Support Under This Program?

- 700.10 What types of awards does the Secretary make under this program?
- 700.11 What types of projects does the Secretary assist under this program?
- 700.12 What funding priorities does the Secretary establish for this program?

Subpart C—How Does One Apply for a Grant?

- 700.20 Are preapplications required?

Subpart D—How Does the Secretary Make a Grant?

- 700.30 How does the Secretary evaluate an application?
- 700.31 What selection criteria does the Secretary use to evaluate an application under this program?
- 700.32 What procedures may the Secretary use to select a field-initiated studies application for funding?
- 700.33 What special considerations may the Secretary use in selecting an application for funding?
- 700.34 What restrictions apply to the use of funds awarded under this program?

Authority: 20 U.S.C. 1221e, unless otherwise noted.

Subpart A—General

§ 700.1 What is the Educational Research Grant Program

The Educational Research Grant Program supports scientific inquiry designed to provide more dependable knowledge about the processes of learning and education.

(20 U.S.C. 1221e(a))

§ 700.2 What parties are eligible for an award under the Educational Research Grant Program?

Parties eligible for an award under the Educational Research Grant Program are public or private organizations, institutions, agencies, or individuals.

(20 U.S.C. 1221e(e))

§ 700.3 What regulations apply to this program?

(a) The following regulations apply to awards under the Educational Research Grant Program:

(1) The Educational Department General Administration Regulations (EDGAR) established in Title 34 of the Code of Federal Regulations in Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), and Part 78 (Education Appeal Board).

(2) The regulations in this Part 700. (b) The regulations in this Part 700 do not apply to contracts awarded under the Educational Research Grant Program or to projects carried out directly by the Secretary.

(20 U.S.C. 1221e)

§ 700.4 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant.
Application.
Award.
Budget.
Budget period.
Contract.
ED.
EDGAR.
Equipment.
Facilities.
Grant.
Grantee.
Local educational agency.
Nonprofit.
Private.
Project.
Project period.
Public.
Secretary.
State educational agency.

(b) *Definitions that apply to this part.* The following definitions also apply to this part:

"Educational research" means all research and related activities including, but not limited to, basic and applied research, planning, surveys, evaluations, investigations, dissemination, experiments, development, and demonstrations in the field of education (including career education).

"Institution of higher education" means an institution of higher education as defined in section 1201(a) of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1141(a))

"Technical assistance" means assistance provided by a grantee to others for the purpose of applying the results of educational research to

resolve educational problems at the State or local level.

(20 U.S.C. 1221e)

Subpart B—What Types of Activities Does the Secretary Support Under This Program?

§ 700.10 What types of awards does the Secretary make under this program?

(a) In a notice published in the *Federal Register*, the Secretary may choose an amount between \$25,000 and \$50,000 as the maximum amount of a small grant in any competition under this Part 700. An application for a small grant may not request funding for more than 12 months. An application that requests more than the maximum amount for a small grant or requests funding for more than 12 months is considered an application for a large grant.

(b) If the Secretary announces a maximum amount for a small grant under paragraph (a) of this section, the Secretary establishes separate competitions for large and small grants.

(20 U.S.C. 1221e)

§ 700.11 What types of projects does the Secretary assist under this program?

(a) For each competition announced in the *Federal Register*, the Secretary may fund applications that include, but are not limited to, those designed to accomplish one or more of the following:

- (1) Educational research.
- (2) Dissemination of educational research.

- (3) Training of individuals in educational research.

- (4) Technical assistance.

(b) For each competition announced in the *Federal Register*, the Secretary may restrict educational research projects to one or more of the following activities:

- (1) Basic research.
- (2) Applied research.
- (3) Planning.
- (4) Surveys.
- (5) Evaluations.
- (6) Investigations.
- (7) Dissemination.
- (8) Experiments.
- (9) Development.
- (10) Demonstrations in the field of education.

(20 U.S.C. 1221e)

§ 700.12 What funding priorities does the Secretary establish for this program?

(a) *Priorities.* For each competition, the Secretary may select one or more funding priorities by choosing from the following list of priorities or by combining one or more of the priorities:

- (1) Learning.
- (2) Teaching.

- (3) Educational technology.
- (4) Instructional processes and materials, including textbooks and computer software for instruction.
- (5) Preparation and training of educational personnel.
- (6) Organization and management of schools, including effective school administration and leadership, and school discipline.
- (7) Evaluation and school indicators, including testing and measurement.
- (8) Governance of education, including school board policies and practices.
- (9) Educational finance.
- (10) Dissemination and knowledge utilization in education.
- (11) Change and improvement processes in education.
- (12) Student achievement and educational standards, including students' motivation to learn, their failure to learn, and their failure to attend school and graduate.
- (13) Home, family, parental choice, and community influences in education.
- (14) Education, work and careers.
- (15) Desegregation, busing, and their impact on educational equity and excellence.
- (16) Guidance and counseling.
- (17) International education.
- (18) English literacy, including reading, writing, and language skills.
- (19) Disciplines of the humanities, including history, philosophy, and literature.
- (20) Mathematics.
- (21) Science.
- (22) Foreign languages.
- (23) Preschool education.
- (24) Elementary education.
- (25) Secondary education.
- (26) Private education.
- (27) Adolescent education.
- (28) Postsecondary education.
- (29) Adult and continuing education.
- (30) Education of special populations, including the educationally disadvantaged, the handicapped, and the academically gifted and talented.
- (b) *Field-initiated studies.* The Secretary may fund any field-initiated studies application that—
 - (1) Does not meet a priority established in accordance with paragraph (a) of this section;
 - (2) Is limited to activities listed in § 700.11(a)(1)–(4); and
 - (3) Satisfies all other requirements for funding under this program.

Note: EDGAR establishes the method for applying priorities. See 34 CFR 75.105 (Annual priorities). (20 U.S.C. 1221e)

Subpart C—How Does One Apply for a Grant?

§ 700.20 Are preapplications required?

As announced in the Federal Register, the Secretary may require or invite an applicant to submit a preapplication for a particular competition.

Note: EDGAR establishes the procedures under which the Secretary considers a preapplication. See 34 CFR 75.130–75.134. (20 U.S.C. 1221e)

Subpart D—How Does the Secretary Make a Grant?

§ 700.30 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application submitted under this program on the basis of the selection criteria § 700.31.

(b) The Secretary awards up to 100 points, including a reserved 25 points to be distributed in accordance with paragraph (d) of this section, based on the selection criteria in § 700.31.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses after the heading of each criterion.

(d) For each competition announced in the Federal Register, the Secretary distributes the reserved 25 points among the criteria in § 700.31. In the case of a field-initiated studies competition conducted in accordance with § 700.32(b)(1), the Secretary assigns the reserved 25 points to the selection criterion in § 700.31(f) (Significance).

(20 U.S.C. 1221e)

§ 700.31 What selection criteria does the Secretary use to evaluate an application under this program?

(a) *Plan of operation.* (10 Points)

The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and insures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality of the applicant's plans to use its resources and personnel to achieve each objective; and

(5) The extent to which the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women;

(iii) Handicapped persons; and

(iv) The elderly

(b) *Quality of key personnel.* (20 Points)

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(1) (i) and (ii) of this section will commit to the project; and

(iii) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as—

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(2) To determine personnel qualifications under paragraphs (b)(1) and (ii) of this section, the Secretary considers—

(i) Experience and training in fields related to the objectives of the project; and

(ii) Any other qualifications that pertain to the quality of the project.

(c) *Budget and cost effectiveness.* (5 Points)

The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (5 Points)

The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project; and

(2) To the extent possible, are objective and produce data that are quantifiable.

Cross-reference. See 34 CFR 75.590 Evaluation by the grantee.

(e) *Adequacy of resources.* (5 Points)

The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

(f) *Significance.* (15 Points)

(1) The Secretary reviews each application to determine the significance of the proposed project.

(2) The Secretary determines the project's potential to make a significant contribution to American education, as measured by factors such as—

(i) Importance of the proposed project from the standpoint of basic knowledge or of American education;

(ii) The likely magnitude of the addition that will be made to knowledge or educational practices if the project is successful, including the generalizability of the results;

(iii) The extent to which the project involves creative or innovative approaches that complement or are alternatives to existing approaches to the project's problem area; and

(iv) The extent to which the project is designed to yield outcomes that can be disseminated and utilized in other settings, such as information, materials, processes, or techniques.

(g) *Technical soundness.* (15 Points)

(1) The Secretary reviews each application to determine the technical soundness of the proposed activities.

(2) The Secretary determines—

(i) The adequacy of the project's design, methodology, instrumentation, and data analysis plan, where applicable;

(ii) The extent to which the application exhibits a thorough knowledge of current research and development concepts, theories, and outcomes and relates these to the proposed activity; and

(iii) Evidence that, where appropriate, the perspectives of a variety of disciplines are used.

(h) *Applicant's commitment and capacity.* (0 Points) (The Secretary may assign points to this criterion pursuant to § 700.30(d).) The Secretary determines the extent of the applicant's commitment to the project, its capacity to continue the project, and the likelihood that it will build upon the project when Federal assistance ends.

(20 U.S.C. 1221e)

(Approved by the Office of Management and Budget under control number 1850-0572)

§ 700.32 What procedures may the Secretary use to select a field-initiated studies application for funding?

(a)(1) Notwithstanding the provisions of 34 CFR 75.100, the Secretary may fund a field-initiated studies application, as described in § 700.12(b), in accordance with this section and without publishing a notice in the *Federal Register*.

(2) At any time during a fiscal year, the Secretary may review all field-initiated studies applications submitted and may select applications for funding in accordance with procedures in paragraph (b) of this section.

(3) The Secretary may reserve any applications which were reviewed in accordance with paragraph (a)(2) of this section, but which were not selected for funding, for further consideration during the remainder of that fiscal year.

(b)(1) Notwithstanding the provisions of 34 CFR 75.217(a), the Secretary may assemble a board to review field-initiated studies applications described at § 700.12(b).

(2) The board consists of—

(i) A Department grants officer; and

(ii) Two other Department employees who are qualified to evaluate the application.

(3) The board reviews applications in accordance with 34 CFR 75.217(b).

(20 U.S.C. 1221e)

§ 700.33 What special considerations may the Secretary use in selecting an application for funding?

(a) After evaluating applications according to the criteria contained in § 700.31, the Secretary may determine whether the most highly rated applications are broadly and equitably distributed throughout the Nation for each competition under this program. The Secretary may select other applications for funding if doing so would improve the geographical distribution of project funded under a particular competition or under this program.

(b) The Secretary may select an application for funding to improve the diversity of activities or projects funded under a particular competition.

(c) The Secretary may decline to fund a project that is eligible for funding under a different Department of Education competition or program.

(20 U.S.C. 1221e)

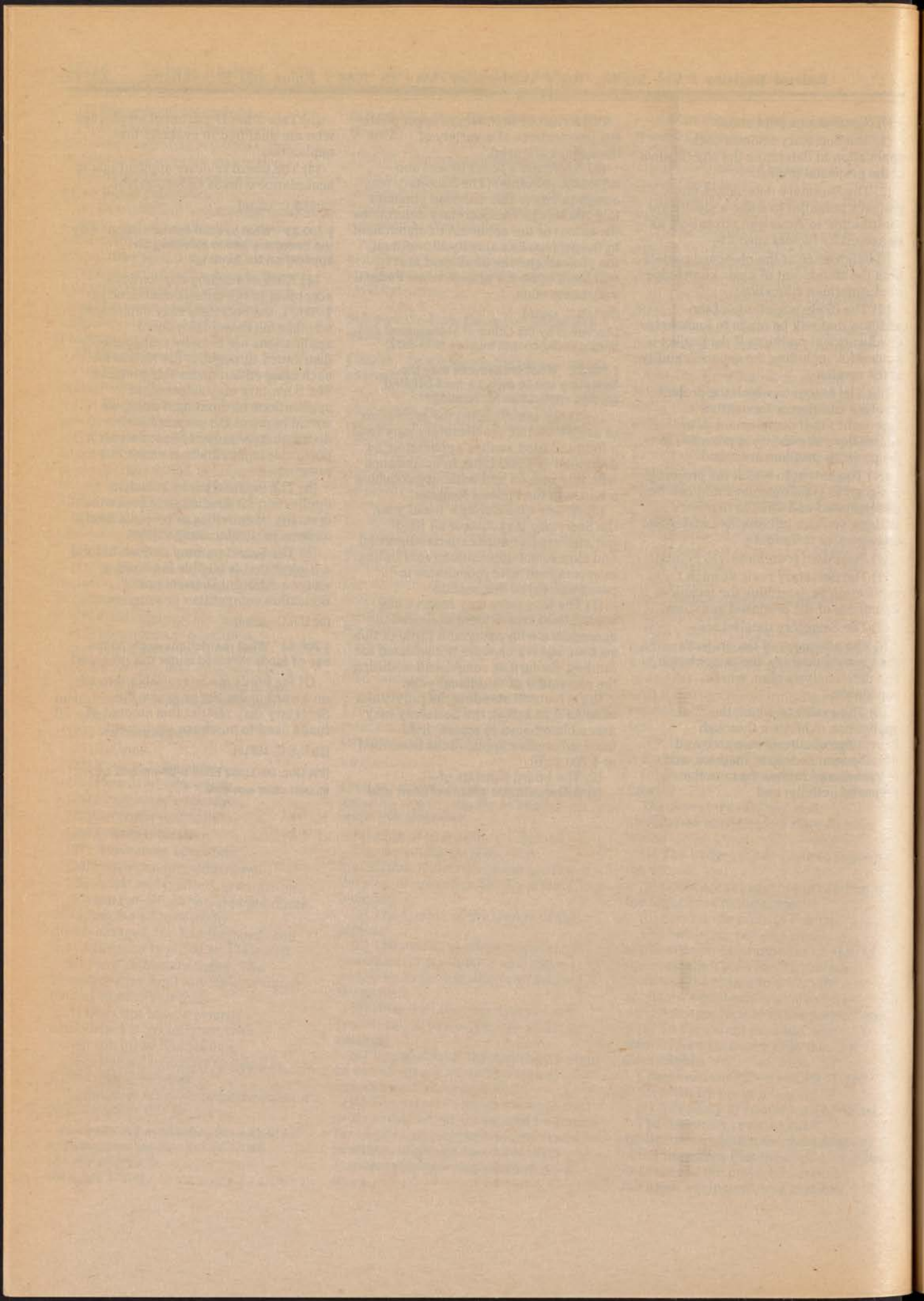
§ 700.34 What restrictions apply to the use of funds awarded under this program?

Of the funds made available through an award under the program, the Secretary may restrict this amount of funds used to purchase equipment.

(20 U.S.C. 1221e)

[FR Doc. 86-11862 Filed 5-27-86; 8:45 am]

BILLING CODE 4000-01-M



Environmental Protection Agency

Wednesday
May 28, 1986

Part VI

Environmental Protection Agency

40 CFR Part 261

**Hazardous Waste Management System;
Identification and Listing of Hazardous
Waste; Final Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 261**

(FRL-2992-9)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste**AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is today amending the regulations for hazardous waste management under the Resource Conservation and Recovery Act by clarifying that the listing for spent pickle liquor from steel finishing operations (EPA Hazardous Waste No. K062) applies only to wastes generated by iron and steel facilities. The Agency is taking this action in response to a rulemaking petition submitted by four porcelain enamel companies and in response to comments received on a notice of proposed rulemaking challenging the Agency's interpretation of the scope of the listing. The effect of this amendment is to grant the rulemaking petition by confirming that the listing applies only to those persons who produce iron and steel. Thus, spent acids from other steel finishing operations would be considered hazardous only if they exhibit one or more of the hazardous waste characteristics.

DATE: Final rule is effective May 28, 1986.

ADDRESS: The public docket for this final rule is located at the U.S. Environmental Protection Agency, RCRA docket (Sub-basement) 401 M Street SW., Washington, DC 20460. The docket is open from 9:30 a.m. to 3:30 p.m.; Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost \$.20/page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or (202) 382-3000. For technical information contact Jacqueline Sales, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4770.

I. Supplementary Information**A. Background**

On February 6, 1985, several porcelain enamel companies—the Hobart Corporation, Maytag Corporation, Magic

Chef, Inc., and State Industries—filed a rulemaking petition with EPA requesting that the listing description for "Spent pickle liquor from steel finishing operations" (40 CFR 261.32—EPA Hazardous Waste No. K062) be amended or clarified to indicate that the listing applies only to spent pickle liquor generated by the iron and steel industry. The listing appears in the rules under the heading of "Waste From Specific Sources," and from the "Iron and Steel" industry. In response to this rulemaking petition, the Agency published in the *Federal Register* a notice which made available to the public both the Agency and industry interpretations of the scope of the existing listing (see Notice of Proposed Rulemaking and Request for Comments and Data, 50 FR 36966, September 10, 1985, for background information and further details). The notice also indicated a variety of actions EPA might take in response to the petition, and requested comments and data relevant to these possible actions. The Agency also requested comments on how the listing is interpreted by the regulated community and data supporting industry claims that lime stabilized waste pickle liquor sludge (LSWPLS)¹ from non-iron and steel industries is non-hazardous.

The Agency received approximately eighty comments to the notice of proposed rulemaking. The majority of the comments were submitted by facilities involved in porcelain enameling and galvanizing. The comments are summarized below.

B. Summary Of Comments On Notice Of Proposed Rulemaking

The majority of the commenters strongly supported the petitioners' claim that the plain language of the listing for spent pickle liquor from steel finishing operations (EPA Hazardous Waste No. K062) indicates that the listing applies only to facilities within the iron and steel industry, and that the background document to the listing supports this interpretation, since it presents data only from the iron and steel industry. The petitioners argued that the background document repeatedly refers to "mills" and "integrated steel plants," while no discussion was included for any other industry.

In the notice, EPA requested commenters to explain why so many non-iron and steel facilities appeared to have acted as if the listing applied to

them. The commenters stated that there was no significance that many facilities other than iron and steel initially notified as generating "spent pickle liquor" because these were protective filings. Some commenters indicated that Agency officials advised them to notify EPA if there were any questions regarding the regulatory status of their waste to ensure that they did not lose interim status.² (In addition, all of these persons were required to notify in any event since the waste is hazardous by virtue of its corrosivity.)

Several commenters from the hot dip galvanizing industry stated that pickle liquor generated from their process does not meet the listing description because chromium and lead are typically present in these wastes in concentrations well below the maximum permissible leachate concentrations as defined by the EP toxicity test.³ They believe that spent pickle liquor generated from hot dip galvanizing should be classified as a hazardous waste only because of its corrosivity. In fact, EP toxicity data (for LSWPLS) was submitted by several commenters within the hot dip galvanizing industry (as well as several porcelain enameling companies). One commenter submitted EP toxicity data on sludge resulting from the hydroxide precipitation of spent pickle liquor. All data demonstrated that hexavalent chromium and lead, as well as the remaining EP toxic metals, were substantially below the maximum permissible leachate concentrations.

Two States likewise commented that they interpreted the listing as applying only to facilities within the iron and steel industry. One State, in particular, commented that if the Agency wished to cover additional wastes, it should specifically list non-iron and steel pickle liquor wastes as hazardous since, in the State's view, the existing listing did not apply. (These additional wastes also could exhibit a characteristic and so be subject to RCRA for that reason.) Another State, however, agreed with the Agency's interpretation that the scope of the K062 listing applies to all industries engaged in steel finishing operations. This State did not base its position on the regulatory language, but rather

² To be eligible for interim status, persons who generated, transported, treated, stored, or disposed of hazardous waste had to notify EPA of that fact by August 8, 1980, and submit a Part A permit application by November 19, 1980 (see 45 FR 33066, May 19, 1980).

³ Spent pickle liquor generated from the iron and steel industry contains chromium and lead, the constituents for which the waste was originally listed, in concentrations well above the maximum permissible leachate concentrations.

¹ The sludge is generated by a well known technique involving lime neutralization, flocculation, clarification, and dewatering of the resultant sludge. These wastes are deemed hazardous waste by virtue of the provisions of the so-called "residue rule" (40 CFR 261.3(c)(2)).

indicated that the toxic and corrosive characteristics of spent pickle liquor are inherent in the waste itself and are not dependent upon the industry category.

Many of the commenters also stated that the reason non-iron and steel facilities did not comment on the Notice of Availability of Data published on January 4, 1984, which reiterated EPA's view of the broader scope of the listing, was because these facilities did not read the notice. They believed the notice addressed spent pickle liquor generated by the iron and steel industry—based on the regulatory language—and so it did not apply to them.

Many of the commenters further stated that EPA itself has not been consistent in its interpretation of the listing. In particular, they state that in promulgating effluent limitation guidelines and standards for the porcelain enameling industry, the Agency concluded that sludges from treatment of wastewaters (from the pickling operation) are expected to be non-hazardous under RCRA. (See EPA Development Document for Effluent Guidelines and Standards for Porcelain Enameling Point Source Categories, EPA 440/1-82/072, November 1982.) The commenters believe the Agency would not have made this statement, if it believed the waste was derived from a listed waste, and so automatically hazardous until delisted (see § 261.3(c)(2)). Moreover, the commenters argued that several EPA Regional Offices also interpreted the listing as covering only the iron and steel industry.

In summary, the great majority of commenters requested that EPA adopt the third option presented in the September 10 notice—that is, grant the relief requested by the petitioners and agree that the listing applies, and has applied, only to spent pickle liquor wastes generated by the iron and steel industry.

II. Agency's Decision to Rulemaking Petition and Response to Comments

The Agency believes that the petitioners (as well as the commenters responding to the notice) have a valid argument that the listing should be read to apply only to those facilities within the iron and steel industry. Upon re-evaluation, we believe that the broad interpretation taken by the Agency (*i.e.*, the scope of the listing applies to spent pickle liquor from all "steel finishing operations") is not supported by the rulemaking record; rather, a more correct reading of the scope of the listing would apply only to spent acids generated by iron and steel facilities. Many of the arguments put forth by the

petitioners (as well as the commenters to the notice) provide the basis for EPA's re-interpretation, including:

- the plain language of the listing as well as the fact that the listing was put in 40 CFR 261.32 (Wastes From Specific Sources under the sub-heading "Iron and Steel") suggests that it should apply only to the iron and steel industry;
- the background document to the listing supports the narrower interpretation, since it addresses spent acid and LSWPLS generated from the iron and steel industry;
- notification under section 3010 of RCRA from a diverse group of industry categories is not a valid basis for taking a broader interpretation since most of these were protective filings.

Although the Agency has been consistent in its interpretation with regard to the spent pickle liquor listing in processing delisting petitions, we must go back to the rulemaking record on which the listing is based. When this is done, the scope of the listing should be read to apply only to those facilities within the iron and steel industry.

Therefore, in light of the comments received and arguments made, the Agency has decided to modify its interpretation and narrow the scope of the spent pickle liquor listing to apply only to those facilities within the iron and steel industry. To clarify this point, the Agency has decided to clarify that the listing applies in the narrow manner urged by the petitioners. To eliminate any confusion, we are amending the regulatory language for EPA Hazardous Waste No. K062 to read as follows:

"Spent pickle liquor generated by steel finishing operations of plants that produce iron and steel."

Thus, we are granting the rulemaking petition submitted by the Hobart Corporation, the Maytag Corporation, Magic Chef, Inc., and State Industries.

As a practical matter, this means that any spent pickle liquor generated by non-iron and steel industries would be hazardous only if it exhibits one or more of the characteristics of hazardous waste (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity). In addition, this interpretation will be retroactive to the date that the listing was promulgated (*i.e.*, the Agency now believes that the listing's scope was always limited). Based on the comments received, this pickle liquor would probably still be hazardous because it exhibits the characteristics of corrosivity and/or EP toxicity. Thus, the waste spent acid itself remains subject to the applicable RCRA management standards. Likewise, any residue derived from the treatment of this spent pickle liquor (for example, lime stabilized waste pickle liquor sludge)

would be hazardous if it exhibits one or more of the hazardous waste characteristics.⁴ Consequently, any person who generates these residues would not need to go through the delisting procedures under 40 CFR §§ 260.20 and 260.22, unless these residues are mixed with other listed hazardous wastes or are derived from listed wastes. As a result, the following "generator-specific" delisting petitions submitted to the Agency to exclude this waste will become moot by today's rule.

Petition No.	Name	City	State
0338	Westinghouse Electric Corp.	Winston-Salem	NC
0460	Steel Warehouse Co. Inc.	South Bend	IN
0523	All-Brite Galvanizing Co.	Kansas City	MO
0536	Wheeling-Pittsburgh Steel	Martins Ferry	OH
0565	Valley City Steel Co.	Valley City	OH
0609	Talbot Industries, Inc.	Neosho	MO
0610	Galvan Industries, Inc.	Harrisburg	NC

III. Effective Date

This rule will become effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months where the regulated community does not need the six-month period to come into compliance. That is the case here since we are now interpreting our rules in a manner that will reduce the scope of the existing interpretation (*i.e.*, clarifies that under the language of the rule, these people were never covered by the spent pickle liquor listing). Since an effective date of six months after promulgation is not necessary, we believe that these rules should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This final regulation is not a major rule because it will not result in an effect on the economy of \$100 million or more, nor will it result in an increase in costs or prices to industry. In fact, this regulation will reduce the overall costs and economic impact of EPA's

⁴Limited data was presented by hot dip galvanizers, agricultural equipment manufacturers, and porcelain enamel industries. These data generally demonstrate that these sludges would leach very low levels of the toxic heavy metals, and so would not exhibit a hazardous waste characteristic.

hazardous waste management regulations. There will be no adverse impact on the ability of U.S.-based enterprises to compete with foreign based enterprises in domestic or export markets. Because this amendment is not a major rule, no Regulatory Impact Analysis is being conducted.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 60 *et seq.*, whenever an Agency is required to publish general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will have no adverse economic impact on small entities since the rule will reduce the hazardous waste requirements to those persons who

generate spent acid in non-iron and steel industries. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation does not require a regulatory flexibility analysis.

VI. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 261

Hazardous materials, Recycling.

Dated: May 21, 1986.

Lee M. Thomas,
Administrator.

For reasons set out in the preamble, 40 CFR Part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §§ 6905, 6912(a), 6921, and 6922).

2. Section 261.32 is amended by revising EPA Hazardous Waste No. K062 to read as follows:

§ 261.32 Hazardous Wastes From Specific Sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
K062	Spent pickle liquor generated by steel finishing operations of plants that produce iron or steel.	(C,T)

[FR Doc. 86-11869 Filed 5-27-86; 8:45 am]

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